

MUNICIPAL CORPORATIONS,
(IRELAND.)

A P P E N D I X

TO THE FIRST

R E P O R T

OF THE

COMMISSIONERS.

R E P O R T

ON

THE CITY OF DUBLIN.

PART I.

Presented to both Houses of Parliament by Command of His Majesty.

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CONTENTS.

	Page		Page
LIMITS		Sergeants at Mace	39
By Charter	1	Secretary to the Lord Mayor	39
By Boundary Act	1	Register of the Lord Mayor's Court	40
By Police Act	1	Register of the Court of Common Council	40
Limits of Material Jurisdiction	2	Bailiffs of the Court of Common Council	40
Parishes	2	Crier of Court of Quarter Sessions	40
CHARTERS		Governor of Newgate	40
New Rules	7	Keeper of the Sheriff's Prison	40
Statutes of Gen. II. and Gen. III.	7	Keeper of the Marshalsea	40
Incorporated Guilds	7	Treasurer	41
CORPORATE BODY		Accountant	42
Title	7	Architect	42
Clarks and Officers	7	Surveyor	42
ELECTION AND QUALIFICATION OF OFFICERS AND		Law Agents	42
Members	8	High Constable	42
Lord Mayor	8	Swordbearer	42
Aldermen	11	Marshalsea	42
Sheriffs	12	Clarks of the Common	42
Common-council-men	13	Chaplain	42
Trial of controverted Elections	15	Bread	42
Recorder	15	Starch	42
Deputy Recorder	16	Deputy Clarks of the Marshalsea	42
Coroner	16	Other Officers connected with the Marshalsea	42
President of the Court of Common Council	16	Officers connected with the City-Water Establishment	42
Town Clarks	16	Proctors, Parings of	42
Marshal	16	IV. JURISDICTION	42
Water Bailiffs	16	COMMON JURISDICTION	42
Sergeants at Mace	16	Court of Quarter Sessions	42
Register of Lord Mayor's Court	16	Judges of	42
Register of Court of Common Council	16	Jurisdiction	42
Crier	16	Practice of Sittings	42
Governor of Newgate and Keeper of City Marshalsea	16	Number of Cases	42
Keeper of Sheriff's Prison	16	James	42
Treasurer	16	Summons of Witnesses	42
Other Ministerial Officers	16	Fines	42
Clarks of the Marshalsea	16	Observations	42
Recorder of the Hay Market	16	Ratification, or Crown Office	42
Clarks of the Hay Market	16	Police Offices	42
Weighmasters of Butter Cases	16	Lord Mayor's Court	42
Weighmaster of the Green Hide Cases	17	Civil Jurisdiction	42
Master of Works, and Officers of City-Water Establishment	17	Lord Mayor and Sheriff's Court	42
Proctors, names of	17	Assessors of Jurisdiction	42
Proctors of City at large	17	Judges	42
Fees	17	Times of Sittings	42
Proctors from the Guilds	17	Motions in Chancery	42
Fees	17	Prothonotary	42
Number and condition of the Proctors	17	Proctors	42
No Roman Catholics admitted	17	Action	42
GOVERNMENT		Attachment	42
Board of Aldermen	19	Return Days	42
Commons	19	Foreign Attachment	42
Assembly, and Course of Business	19	Practice	42
Abstract	20	Rules	42
How conducted	20	Removal of Causes	42
Post Assembly	20	Privileges of a Proctor	42
Acts of Assembly	20	Costs, by whom taxed	42
Coronation	20	Fees reduced	42
PROCTORS AND RECOGNITION OF OFFICERS		Attorneys	42
Lord Mayor	21	Cause to Execution	42
Aldermen	21	New Trials	42
Sheriffs	21	Expenses and Replevins	42
Sheriff's Office, Officers in	21	Printed Seals of Costs and Fees	42
From in	21	Trial and Judgment in other	42
Juries	21	Record Sittings	42
Town Grand Jurors	21	Fees of the Sergeants at Mace	42
Quarter Sessions Grand Jurors	21	Civil Bill Court	42
Special Juries, Valuation Juries, &c.	21, 22	Court of Common Council	42
Endorsements	22	Judges and Officers	42
Common-council-men	22	Times of Sittings	42
Recorder	22	Corporate Causes	42
In the Court of Quarter Sessions	22	Appeal	42
In the Civil Bill Court	22	Practice	42
In the Lord Mayor and Sheriff's Court	22	Increase of Fees	42
Coroners	22	Sermons	42
President of the Court of Common Council	22	Service of	42
Town-Clarks	22	Abstracts	42
As Town-Clarks	22	Hearing	42
As Prothonotaries of Lord Mayor and Sheriff's Court	22	Warrant	42
As Clarks of the Peace and Clarks of the Crown	22	Fees	42
Marshals	22	Imprecement	42
As Marshal	22	Release	42
As Registrar of Parishes	22	Damages	42
As Assessor of Fines	22	Splitting Cause of Action	42
Water Bailiffs	22	Costs before trial	42
		Suits against the Bailiffs	42
		No Court Books	42
		Magistrate's Fees	42
		Attorneys	42

	Page		Page
Observations	55	Compositions by the Corporation of Dublin . . .	82
Gazette	55	For Paving	82
General Superintendence of	55	Lighting	82
Navigable	57	Cleaning	82
Shirelli's Prison	57	General Paving and Lighting Tax	83
City Marshalsea	58	Rate by Square Measure	85
Southfield Penitentiary	59	Rate by Linear Measure	85
Richmond House	59	Practice of the Commissioners in im-	
Expenses of Prison and Prisoners	59	posing Rates	85
V. MUNICIPAL REGULATIONS	61	Appointing	85
Paving	61	Declarations and Exemptions	85
Statutes relative to the Watch and Police . . .	61	Collection	86
Police District of Dublin Metropolis	61	Watering Tax	86
Deceased Justices	61	Taxes for "Private Works chargeable"	86
Receiver of the Public Office	62	Fines, Rules of Surveying, &c., and Mi-	
Office of Police	62	scellaneous Receipts	87
Clerks	62	Expenditure on the Establishment	88
Office Constables	62	Annals	88
Peace Officers	62	Salaries of Officers to be appointed by the Lord	
Peacekeeping Constables	62	Lieutenant	88
Peacekeepers	63	Of Officers to be appointed by the Commis-	
Nightly Watch	63	sioners	90
Police and Watch Establishments	63, 64	Return of Officers, their Duties, &c.	93
Jeremiahs	64	Incidental Expenses	96
Observations	65	Expenditure on the Establishment	96
Police and Watch Funds	66	Expenditure on the Works	97
Watch Tax	66	Accounts	98
Carriage Tax	67	Audit by Inspect Commissioners	98
— Fines	68	Observations	98
Publicans' Licences	69	Liberty Testimony, &c.	99
Publicans' Licences	69	Grave Joint Taxation	99
Other Licences	69	Business General Taxes	100
Fines and Fees of Divisional Offices	69	Town Grand Jurors	101
Parliamentary Grants	70	Extent of their controlling Power	101
Bonds of Expenses	70	Public Works	101
Buildings	70	Causes of Increase of Taxation	102
Law Expenses	70	Officers of Grand Jury	102
Road and City	70	Treasurer	103
Accounts and Receipts	71	Secretary	103
Duties of Receiver as to Bridewell	71	Inspector of Accounts	103
Recent Act as to Lunacy	72	Collectors of City Rates	103
PAVING AND CLEANING, LIGHTING AND WATER- SUPPLY	72	Presentments to other Officers	104
Original obligation of the Corporation of Dublin .	72	Salaries of Officers	105
History of the Taxes	73	Provisions for other Purposes	105
Paving and Cleaning	73	Amount of all Presentments	105
Watering the Streets	73	Taxes, how levied	106
Composition with the Corporation of Dublin . .	74	Salutary and Involuntary Arrears	107
for certain Payments	74	Municipal Money a defective Tax	107
Cleaning	74	Parts of County within Circular Road exempted	
Lighting	74	Money, how kept, disbursed, and accreted	
Management of the Paving, Cleaning, and . . .		for	107
Lighting, &c. consolidated	75	Power of issuing Presentments	108
Second composition with the Corporation of . .		Annual Amount for 4 years	108
Dublin for certain Payments	75	COMMISSIONERS OF WORKS	108
Public Foundations	75	Statutes relating to	108
Composition with the Corporation of Dublin . .		Number of Commissioners	111
for the Cleaning of the City	75	Qualifications	111
Composition with the Corporation of Dublin . .		Meetings of the Board	111
for certain Lights	76	Officers	111
Agreement of the Corporation of Dublin to . .		Secretary	111
supply Water	76	Clerks	111
Acts now in force	76	Engineer	111
Local Limits of the Jurisdiction	76	Treasurer	111
Constitution of the Board of Commissioners . .	77	Law Agent	111
Limits of their Powers	77	Costs	111
Separation of their Powers	77	Payments to Jurors	112
Former Commissioners from 1867	78	Funds	112
Former Commissioners	78	Evils	112
Commission of Inquiry and Report in 1905 . . .	78	Balance of Coal Duty	112
The present Board	78	Wide Street Tax	112
Improvements effected	78	Expenditure	113
Maximum rate of Taxation maintained	79	Debt	115
Exemptions	79	VARIATION OF THE RATE FOR LOCAL TAXATION . .	116
Return of Income and Expenditure	80, 81	Municipal Money	116
Income	82	New Valuation	116

COUNTY OF THE CITY OF DUBLIN.

I. LIMITS.

1. THE City of Dublin is a County of itself: its limits have continued without material alteration for several centuries. Laws.

They are defined in one of its earliest charters, granted by John Earl of Morton and Lord of Ireland, A. D. 1192, and are therein referred to as "the boundaries perambulated on the oaths of honest men of the city itself, by the precept of King Henry his father." The same limits are confirmed to the citizens by a subsequent charter of John, when king of England, in the year 1200. They are also the subject of an inquisition taken by perambulation in the first year of Edward III., A. D. 1308, and the forms of "riding the franchises" in later years are extant, in which the course of perambulation is fully detailed. By Charter.

By an Act passed in the second year of Henry VII., not printed in the Statute Book, but given in the Appendix to Mr. Lynch's work on the Law of Election in the Ancient Cities and Towns of Ireland, the townland of Little Cabragh, in the county of Dublin, was made part of the franchises of the city of Dublin.

The boundaries of the city were not until lately defined with sufficient accuracy for many practical purposes. The uncertainties relating to them occasioned the introduction of a Bill into the Irish House of Commons in 1713, to have them ascertained with more precision; but it did not pass into a law. However, in the year 1787, the 17, 18 Geo. III. c. 47, was enacted. This statute enabled the lord chancellor to issue a commission of perambulation, to ascertain the boundaries between the county of the city of Dublin and certain parts of the county of Dublin; and in the year 1793, by the 65th section of the 33 George III. c. 56, the chancellor was further empowered to issue a similar commission to ascertain the mears and boundaries between the county of the city and "any adjoining county." The county of Dublin is the only county adjoining that of the city. The same section recites that a commission was then actually depending.

Charges are made in the grand jury presentment-sheets of the period, for defraying the expenses of the commission, as authorized by the Acts, and copies of inquisitions taken under it are among the records of the corporation. They are also noticed in a subsequent Act, 54 Geo. III. Loc. & Pers. cap. cxxvii., for ascertaining the boundaries of the parish of St. Mary.

There is a map, in the city grand jury room, of "the boundaries of the county of the city of Dublin, as ascertained by the commissioners of perambulation." It bears date in the year 1807, and being ordered by the grand jury, and made by the city surveyor, may be looked upon as an authentic document.

The limits of the county of the city, so ascertained, extend on the east as far as the Black Rock, a village distant about five statute miles from what may be considered the centre of the city, as built upon, and include a narrow strip of land along the south-western shore of the bay of Dublin. In the south-west and northern directions they run very irregularly, varying in distance from the same imaginary point, from somewhat more than a quarter of a mile to two miles and a half. On the north-east they extend to Ballybough Bridge, where they again meet the shore of the bay, and are continued along it beyond Clontarf. The limits are said to embrace such portions of the shore as are included within the utmost distance to which a man on horseback can, at low water, throw a dart into the sea.

These limits are perambulated, triennially, by the lord mayor and other corporate authorities, and the ceremony of "throwing the dart" performed at different points, to mark the boundary.

The limits of the county of the city differ very considerably from those of the modern city of Dublin. The large parish of St. George, comprising one of the wealthiest districts, and part of the parish of Grange Gorman, to the north of the River Liffey; parts of the parishes of St. James's, St. Catherine's, and St. Nicholas without, the entire of St. Luke's, and part of the wealthy parish of St. Peter, to the south; including streets forming contiguous portions of the city, and containing nearly a sixth of its entire population, are outside the limits of the corporate jurisdiction, while the villages of Donnybrook and Clonsilla, and part of the Black Rock, at a considerable distance from the city, are within them.

2. All the portions of the foregoing parishes, which lie within the road called "the Circular Road," are, for the purposes of the elective franchise, included within the city by the Boundary Act, but there are a few streets outside the Circular Road still without the city, and deemed for all purposes in the county of Dublin. By Boundary Act.

3. The present lines of boundary between the city and county of Dublin, as perambulated, are very irregular and inconvenient; in some places passing through private dwelling-houses and gardens, and generally, more or less unequally, intersecting the public streets. The difficulties, incidental to this state of things, in the administration of criminal justice, have been remedied by the 57th section of the Dublin Police Act, 48 Geo. III. c. 140, which enacts, that all treasons, felonies, misdemeanours, crimes, and offences, done or committed in any place situate in, or upon, any part of the Circular Road, or in any place within the limits By Police Act.

LIMITS.

circumscribed by that road, shall be prosecuted and tried in the same courts, in all respects, as if committed within the county of the city of Dublin, and shall be laid in any indictment to have been committed within the county of the city of Dublin, and that the Circular Road, and all places lying within it, shall be, and be deemed and taken to be, part of the county of the city as to the prosecution, apprehension, and trial of all persons charged with such crimes or offences.

The 58th section of the same Act makes the wall of the Phoenix Park the boundary, in place of the Circular Road, in that part where the road is interrupted by that wall. This occurs for a short space on the west side of the boundary.

Limits of Manorial Jurisdiction.

4. There have been controversies, from a very early period, between the officers of the corporation and the lords and seneschals of the several manorial jurisdictions, which exist in part within the city limits, as to their respective boundaries and powers. These disputes are still unsettled, and are productive of public inconvenience in some parts of the city. They are again noticed in the branch of this Report which relates to those jurisdictions.

Parishes.

5. The following parishes and parts of parishes are comprised within the limits of the county of the city:—

St. Andrew,	St. Mark,
Anne,	Michael,
Anderson,	Milobans,
Bridget,	Nicholas within,
Catherine, (part of)	Paul,
Grange Gorman, (part of)	Petur, (part of)
James, (part of)	Thomas,
John,	Werburgh,

and the deaneries of Christ Church and St. Patrick.

We subjoin the "metes and bounds" from the charter of King John (note 1), and the form of siding the franchises, as printed for the city authorities (note 2):—

II. CHARTERS.

CHARTERS.

6. The Charters granted to the city of Dublin are very numerous, and date from the invasion of Ireland in the reign of Henry II. There is not evidence of the existence of municipal authorities previous to that event; but the corporation claims a title by prescription, and has frequently relied on it in practice. Their charters, from the earliest period, are well preserved in the custody of the town-clerks in the city treasury.

Henry II.

7. The first charter is a grant by Henry II., made at Dublin, but without date (1172 or 1173), to the men of Bristol, of his city of Dublin, to inhabit and hold of him and his heirs, with all liberties and free customs which the men of Bristol had at Bristol, and through all his territory. This grant was confirmed by John, when Lord of Ireland, in the lifetime of his father.

Note (1.) "Ex parte orientali de Dublin & Australi parte pasturam q. durat usq. ad portam ecclie sci. Keyvim & sic p. viam usq. ad Kilmorekaregan & sic p. divisiom terre Dusebrock usq. ad Dother & de Dother usq. ad mare scilicet ad Clarade juxta mare ad Remyngelan in occidentali parte de Dublin ab ecclia sci. Patricii p. vallem usq. ad Kartaniloneginethe & exinde usq. ad divisiom terre de Killesman & ultra aquam de Killesman juxta Aveneth usq. ad vada de Kilmehanok & ultra aquam de Aveneth vsus Boream p. Enocnoganaboc & deinde usq. ad orea sce. Trinitatis & de oreis illis usq. ad farons & sic p. divisiom int. Claulith & Grinan usq. ad Toleskan & deinde usq. ad eccliam sce. Marie de Housmanby."

Note (2.) *A Survey of the City Liberties.*

Beginning at the old Custom-house, you go down Essex Street and Temple Bar, to the east end of *Lezer's Hill*.

From thence across the strand to Ringsend.

From thence to the watermark where the dart is thrown.

From thence southward to the Black Rock*.

From thence westward to the corner of Merion Church-yard*.

From thence round the south wall of said Church-yard to the west, and through the fields to the west end of Mr. Connolly's garden, and in front of his house on to Lady's Well, on to Simeon's Court, rear of the offices, into the road, near the old castle.

From thence southward by a great ditch to the old road to Bray, and along the same till it crosses the present road to Bray, and along by the south-east boundary of the Half-moon Field, to the south corner of the weir in the river Dodder, along said river to the bridge of Clonskeagh, and under the eastmost arch thereof to the mill of Clonskeagh, and through said mill.

From thence to the end of a lane*, called Clonskeagh Lane, and along said lane to Miltown Road, along said road northward near the house of John Rivett, and through gardens to the Swan Water, and along the Swan Water to Donnybrook Road, and along said road northward to the front of the toll-house, and across the canal by an old watercourse into Leeson Street, and along Leeson Street to the south side of Mr. James Moran's house, No. 5, south-west side of Leeson Street.

From thence, between the houses of Mr. Moran, No. 5, and Mr. Thomas Byrne, No. 6, to Lord Clonmel's lawn, by the wall of said lawn at the rear of St. Stephen's Green to north side of Counsellor Driscoll's house, No. 17, Harcourt Street.

From thence across Harcourt Street to Counsellor Sankey's house, and by the rear of the

Note.—Where this * appears a Court is called.

We are not aware of any privileges now exercised or claimed expressly under the authority of this charter; but the citizens of Dublin appear occasionally to have inquired respecting particular customs used in Bristol, and to have received certificates of them from the authorities of that city. We have found instances of this in the 34th Edward III., respecting the exemption of the Templars and Hospitallers of St. John of Jerusalem from tolls, and, in the 7th Charles I., respecting certain duties on merchandizes imported.

In a claim of cognizance of pleas made in the reign of Richard II., and hereinafter noticed, this charter of Henry II. and the liberties of Bristol are relied on; another charter of Henry II. is relied on in this claim of cognizance, but its date does not appear. It is the same charter which is published in Leland's History of Ireland, vol. i. p. 81, from the Sterne manuscripts, and by which King Henry granted to his burgesses of Dublin that they should be quit of toll, and passage, and portage, and all customs through his whole land of England and Normandy, Wales and Ireland, whosoever they and their goods should come, and should have all their liberties, and acquittances, and free customs fully and honourably as his free and faithful men, and that no one should disturb them in those things contrary to that charter on pain of £10.

8. In the third year of the reign of Richard I., 1193, John, then Lord of Ireland and Earl of Mortain, granted to the citizens of Dublin remaining ("mansentibus") as well outside as within the walls, the charter defining their boundaries before alluded to in section 1. This charter further grants to the citizens certain liberties and free customs, many of which relate to usages long obsolete; some of them are still deserving of notice. It declares, among other privileges, that the citizens may be quit of toll, lading, passage, portage, and all other customs through John's whole land and dominion. They are empowered to distrain their debtors by their chattels in Dublin (a power now exercised by the process of attachment from the City Record Court, and stated to be founded on this charter), and to hold pleas, according to the custom of the city, of debts lent in the city, and pledges there given. It declares that the citizens may have all their reasonable guilds, as the burgesses of Bristol had or were accustomed to have. It grants to them all the tenures within and without the walls to the aforesaid boundaries, to dispose of at their pleasure, by the common assent of the city, in messuages, and to hold them in free burgage, and liberty of building on the sea-shore, and grants to them all lands and waste places contained within those boundaries, excepting, however, the tenures and lands of all who held them by charter beyond the wall to the aforesaid boundaries.

John, Earl of Mortain.

9. By a charter of the 7th November, in the second year of his reign (1200), John, then King of England, granted to the citizens, in the same words, the boundaries and privileges contained in the last-mentioned charter, with the additional grant of a moiety of the river

King John.

south side of Protestant Row to Kevin's Port*, through the gateway of Mr. Jackson's new houses.

From thence along the middle of Redmond's Hill to near the corner of Bishop Street, along the rear of the south side of Bishop Street to Kevin Street, and, taking in the house at the corner of Kevin Street and Bride Street, along Bride Street to the corner of Ball Alley, and, taking in Mr. Stephens's house, corner of Ball Alley, along Ball Alley to the west side of Mr. Unthank's timber-yard, and by the said timber-yard across Goodman's Lane, and along Walker's Alley to Patrick Street, turns southward along Patrick Street about four perches, then turns westward, and along the rear of the houses in Patrick Street to the Puddle.

From thence, along the Puddle and Coombe, across several houses south thereof, and on to Byrne's Hall. From thence along the watercourse, and across Marrowbone Lane to Dipping Bridge, along Dolphin's Barn Lane and the city watercourse to the south corner of Dolphin's Barn*.

From thence under Dolphin's Barn Bridge across the Circular Road, and by the Commons across the Grand Canal to Cutthroat Lane* on to Bow Bridge, under the centre arch thereof, and along the river to the River Liffey, then turns westward along the south of the River Liffey, and, taking in part of the Artillery Barrack, crosses the Liffey to the large round stone* in Sir William Worthington's ground, south of Conyngham Road.

From thence along Conyngham Road to the Park Gate, cross from it to the end of Montpellier Hill, and along the rear of the gardens north side of Montpellier Hill, through several gardens at the rear of Arbour Hill, to No. 23 in Stoney Batter*, being the south end of Manor Street. From thence to a big tree near Lord Norbury's gate, Cabra*.

From thence, through the middle of the house with the sign of the Sheaf of Wheat, to Grange Gorman Lane*.

From thence, between Nos. 9 and 10, Grange Gorman Lane, to the south end of Constitution Hill and north end of Church Street, and along Constitution Hill to the Broad Stone*.

From thence, along the Bradogue River to the Hole in the Wall, and thence to the northward by the end of the New Basin into White's Lane, and so on to Dorset Street*.

From thence turns southward along Dorset Street to the end of North Frederick Street and Cavendish Row to Great Britain Street.

From thence, along Great Britain Street, Summer Hill, and Ballybough Bridge, to the shock of Clontarf, and on to the mill of Raheny now in ruins*.

From thence, farther northward, one hundred and thirty perches to a little brook*.

And from thence across the Strand, outside the Lighthouse, to intersect where the dart is thrown.

CHARTERS.

Liffey (Avenalthe) for fishing: this charter confirms all the privileges, &c. granted by John when Earl of Mortom. A charter is enrolled (Rot. Pat. 38 Hen. VIII., M. 2) by King John, without date, granting to the citizens of Dublin certain privileges against foreign merchants, and that they may have their reasonable guilds as the burgesses of Bristol.

10. It is one of the articles of the great charter of Ireland, granted by Henry III. in the first year of his reign, that the city of Dublin shall have all its ancient liberties and free customs. The same monarch, in the thirteenth year of his reign (1229), granted three charters to the citizens of Dublin. By the first, dated the 14th June in that year, he gave to them the city of Dublin, with the provostship in fee-farm, and that part of the water of the Liffey which belonged to them, together with the part of the same river which belonged to the king, except certain boat-fishings and mill-sites, rendering to the king and his heirs at the Exchequer 200 marks a-year. He confirmed to them the customs and liberties granted by Henry II. and John, reserving pleas of the Crown and prisage of wines, and granted to them leave to hold a fair every year for fifteen days, beginning at the vigil of the Invocation of the Holy Cross, reserving two days to the Archbishop of Dublin. Portions of the fee-farm rent reserved in this charter were at various times granted by the Crown to individuals to be expended in aid of the fortifications of the city; and in the fifteenth year of Edward IV. part of it was applied by Act of Parliament to the same purpose. Arrears of it were occasionally remitted, and it was finally reduced by the grant of 18 Charles II. afterwards noticed.

Mayor first created.

The two other charters of Henry III. are dated on the 15th June in the same year; one of them gave the citizens of Dublin power to elect a Mayor annually from themselves, and at the end of the year to continue him or substitute another, so that he be presented to the king or his justiciary of Ireland, and swear fealty to him: the other charter of this date is in the same words as the second charter of Henry II., above noticed, and refers to it. The chief officer of the city, previously to this year, was called provost, and it is stated, in the chain of cognizance already alluded to, that there were provosts in the city from the time of the conquest of Ireland.

Edward II.

11. The grants of Edward II. consist of a confirmation, in the tenth year of his reign (1316), of the charter of King John; a release to the mayor and commons of 600*l.* due by them for several ancient debts to the Crown; a pardon to the mayor and bailiffs for taking without leave of the king 4*d.* for every "cannock" of corn coming to the city; and a grant of leave to take such toll for a short period. The three last are dated on the same day (the 8th September, in the eleventh year of Edward II.), and the first of them states the consideration of it to be the good service of the mayor and commons to the king, and the labour and expense they were put to at his command about the repair of the walls and custody of the city. There is also a charter of this monarch, in the twelfth year of his reign, prohibiting some exactions, of the king's officers and others, in the houses of the citizens.

Edward III.

12. Edward III., in the first year of his reign, confirmed the charter of John, and at the instance of the mayor, bailiffs, and commonalty of the city, in the same year (1327), commanded his justiciary of Ireland to cause the liberties granted to the city by former monarchs to be observed. Edward III., also, in the eighth year of his reign, in consideration of their acceptable and laudable services recited in the charter, granted to the mayor and citizens many privileges, most of which, relating to juries and inquisitions, have long fallen into disuse. Those deserving of notice are, a grant that the mayor and citizens, their heirs and successors, may have the assize of bread and beer, and the custody and assay of measures and weights, and all other matters appertaining to the office of the market, and that all profits from the assize and assay may belong to the mayor and citizens in aid of the city revenue. This charter also grants to the mayor and citizens freedom from murage, pavage, postage, passage, and quynage, and all other such customs, for their merchandizes and effects, throughout the kingdom and land of Ireland, and the king's dominions. There are extant several temporary murage and pavage grants by Edward II. and III.

By a further charter, dated the 22d November, in the 37 Edward III. (1363), that monarch confirmed the charters of King John, and his own charter, which we have just stated, and granted to the citizens certain liberties and privileges previously granted to the cities of Waterford and Cork, and town of Drogheda. Power to the mayor to swear-in his successor in the absence of the Lord Lieutenant and of the Barons of the Exchequer; the return of all writs of matters arising within the city and suburbs; and exemption from being empannelled on juries without the city or suburbs while resident therein, or imprisoned without the walls of the city; with power to the mayor and bailiffs to hold pleas as well for tenures within the city, suburbs, and liberties, as of trespasss, covenants, and contracts there arising, are among the privileges conferred by this charter. Exclusive jurisdictions are given to the mayor, bailiffs, and commons of the city. This charter also contains regulations as to foreign merchants, and grants of mercantile privileges to the citizens, which have long been obsolete.

Richard II.

13. Richard II. in the second and eighteenth years of his reign confirmed many of the foregoing charters.

Claim of Cognizance.

14. In the fourth year of Richard II. (1380), the Cognizance of Pleas given by the preceding charters was claimed by the mayor and commons of the city, who relied on a prescriptive right to such cognizance from time immemorial; they also relied on the charters of Henry II., the privileges of Bristol, the several charters of John and Henry III., a charter of confirmation of Edward I., without date, the charter of confirmation of Edward II., a charter of 25 Edward III., containing similar privileges to those conferred by his charter of the thirty-seventh year of his reign, already stated, and on an Act of the Parliament of England in the first year of

Edward III. They also set forth a record of a similar claim allowed on a writ of right brought for lands within the precincts of the city, before the justices of the bench, in the thirteenth year of Edward II., and which appears to have been founded on prescriptive usage confirmed by the charters of the kings of England.

Richard II., by writ to his Lieutenant of Ireland, ordered the claim to be allowed.

15. The charters of John and Edward III. were confirmed by Henry IV. in the second year of his reign (1400), who also in the fourth of his reign granted that the mayor and his assessors might have a sword borne before them as the mayor of London had. Henry IV.

16. Henry V., by a charter of the seventh year of his reign (1419), granted that the mayor and bailiffs for the time being should be justices of the peace and justices of labourers, with non-intermittent clauses against any other justices; that the mayor should be escheator and clerk of the market, and that the mayor and commons should, in support of the fee-farm of the city, have all lands, tenements, &c. forfeited as recheats within the city. This charter also contains grants of waifs, wrecks, felons' goods, fines for escapes of felons, and other forfeitures. Henry V.

17. The charters of John, Edward III., and Henry V., were confirmed by Henry VI., in the fifth, and again in the twentieth, years of his reign, and in the first Henry VI. the charter of confirmation of 2 Henry IV. was approved and confirmed by the king, by the advice and assent of the Parliament of England. Henry VI.

18. In the first year of Edward IV. (1461) the charters of John, Edward III., and Henry V., were approved and confirmed by that monarch and the Parliament of Ireland, held at Naas, in that year. Edward IV.

19. Richard III., in the second year of his reign (1484), created the mayor and recorder justices of Oyer and Terminer, and gaol delivery, within the city, its suburbs and franchises, as well by land as by sea, and on the fresh water, with liberty to have and keep the city gaol. Richard III.

20. This charter of Richard III., with those of Edward III., Edward II., and John, were confirmed by Henry VIII. in the thirtieth year of his reign (1538) Henry VIII., in consideration of their services in defending the city against the rebellion of Thomas Fitzgeald, granted to the mayor, bailiffs, citizens, and commons, the site and estates of the dissolved priory of All Saints, in the counties of Dublin, Meath, Kildare, Louth, Tipperary, and Kilkenny, and elsewhere in Ireland, at the yearly rent of 4*l.* 4*s.* 0*d.*, and released them for ever, for the amendment, fortifying, and supporting the city, from the sum of 6*l.* 6*s.* 8*d.* part of the 200 marks a-year reserved by the charter of the 13 Henry III. Henry VIII.

A considerable portion of the present estate of the corporation is held under this grant.

21. Edward VI., in the second year of his reign (1548), confirmed the charter of Henry VIII. and the grant of the priory of All Saints. Edward VI.

He also in the same year granted to the mayor, bailiffs, commons, and citizens a new charter of incorporation, creating the City and its suburbs and liberties a County of itself, by its present name of the County of the City of Dublin, and constituting the Sheriff's successors to the bailiffs in their corporate capacity. The sheriffs are empowered to hold their county courts on Tuesday, from month to month, and all former liberties, &c. are confirmed to the corporation. County of the City first created, and Sheriff's.

22. In the first and second Philip and Mary, the last-mentioned charter of Edward VI. was confirmed, and a confirmation and explanation made of the grants of recheats contained in the charter of the 7 Henry V., before noticed. Philip and Mary.

23. Elizabeth, in the eleventh year of her reign (1568), granted to the corporation, in fee-farm, several tenements, parts of the possessions of the dissolved monasteries of the Virgin Mary, and Saint Thomas the Martyr, or Thomas Court, at the yearly rent of 40*l.*, and a fine of 80*l.* every 21st year. Elizabeth.

And in the twenty-fourth (1581) confirmed the charter of Edward VI., and all former grants made by the kings of England, to the mayor, sheriffs, commons, and citizens, or their predecessors, and granted to them the office of Admiralty, whosoever the sheriffs of the city might lawfully receive custom between Arklow and Nanny Water (limits comprising several miles of sea-coast), the jurisdiction and authority of Admiral to belong to the mayor for the time being. This grant also confers some commercial exemptions and privileges not now of importance.

24. By a charter in the seventeenth year of Charles I. (1641), reciting the charters of second Richard III. and second Edward VI., already noticed, and that the mayor, bailiffs, commons, and citizens had from time immemorial, by long and usual custom, elected twenty-four of the commons and citizens to be aldermen; this monarch granted that the mayor, recorder, and six senior aldermen who had served the office of mayor, should be justices of the peace within the city, and that they or any four of them, of whom the mayor or recorder should be one, should be justices of Oyer and Terminer and gaol delivery. This charter gives to the mayor and aldermen, or the major part of them, the government of the house of correction, and the appointment of the governor, and confers on the mayor the title of lord, and on his wife that of lady. Charles I.

The same monarch, in the fifteenth year of his reign, regranted to the corporation the estates of the dissolved monasteries of the Virgin Mary and St. Thomas, which had been given by Queen Elizabeth, as already mentioned, with some other denominations; considerable parts of the city estates are derived under these grants; the rest reserved by the grant of Charles is 32*l.* 10*s.*, and no mention is made of any fine.

CHARTERS.

Charles II.

25. Charles II., in the thirteenth year of his reign (1661), granted to the mayor of the city the honorary privileges of having a cap of maintenance worn before him, as the mayor of London had, and wearing a collar of S. S. He also, in the fourteenth year of his reign, granted to the mayor the office and command, establishment and pay, of a captain of a company of foot; and, in the seventeenth, granted to the mayor, sheriffs, commons, and citizens the ferry over the Liffey, with power to take a fee of a halpenny of every passenger.

In this last year, Charles II. also granted to the mayor, sheriffs, commons, and citizens an annuity of 500*l.* per annum for ever, charged on the certain and casual revenues of Ireland; and, in the eighteenth, reduced the several fee-farm rents, payable by the city, and then stated to amount to 69*l.* 18*s.* 11*d.* to 20*l.* a-year. Among these rents are mentioned a rent of 7*s.* 6*d.* for the custom called the Tollboll, and a chief rent of 2*s.* 6*d.* out of the Tholsel.

In the twenty-third year of his reign Charles II. granted the charter of the Blue Coat Hospital, afterwards stated in the part of this Report relating to that charity.

Grant of Customs.

By letters patent, dated 4th September, 28 Charles II. (1676), this monarch granted and confirmed to the lord mayor, sheriffs, commons, and citizens, the customs called the customs of the gates for things brought into the city or suburbs, there to be exposed to sale, and also for such things as should be carried out of the city. These letters, alluding to the murage and pavage grants already noticed, recite that several of the kings and queens of England had been pleased to grant to them charters for taking those customs of the gates for the portage, murage, and pavage of the city, and that doubts had then lately arisen of the validity of those charters. They contain a proviso, that the profits of the customs for seven years should be disposed of to such public uses for the benefit of the corporation as the Lord Lieutenant of Ireland thought fit.

The Earl of Essex, then Lord Lieutenant, and the Privy Council, accordingly appointed that for the period of seven years 100*l.* per annum should be disposed, out of the profits of the customs, to the repairs of the old stone bridge and the then new bridge, and such other necessary uses, or work in and about the city and suburbs, as the lord mayor, aldermen, and sheriffs might think fit; and that the remains of the profits for that period should be applied towards erecting a new bridge from the land, near the then custom-house, on the south side of the Liffey, to the land of St. Mary's Abbey, on the north (the site of the present Essex Bridge).

George II.

26. Except the charters of James II., presently noticed, the only remaining royal grants of importance we have found made to the city of Dublin are by George II., who, in the first year of his reign, on the petition of the lord mayor, sheriffs, commons and citizens, added to the justices of the peace all aldermen who had served the office of mayor, or been excused from serving it on payment of a fine; and, in the thirteenth, granted to the corporation authority to hold a free market for corn every Monday and Thursday weekly, and to take to their own use the tolls and customs of the market.

James II.

27. The charter of James II. bears date the 27th October, in the third year of his reign. It is not recognised by the corporation, though said to have been once pleaded by their town-clerk. In his attempts to remodel the corporations in England and Ireland, King James proceeded by writs of *quo warranto* against several of them, including that of Dublin, and, as might be expected in that distracted reign, no successful opposition appears to have been given at the time. Those writs were brought in the Court of Exchequer, and, although followed by judgment, seizing all the liberties and franchises of the corporations into the king's hands, it is plain from the decision of the House of Lords, in the case of *Doogheda* (*Rex v. Peppard, & Brown's Parliamentary Cases*, 381), that the judgments were void, and, that unless followed by actual and full acceptance by the corporations, the charters founded on those judgments have no operation. It is remarkable that the statute of the Parliament of England (1 William and Mary, sess. 2, c. 9), declaring void the proceedings against the Irish corporations, and the new charters granted in Ireland by James II., never received the sanction of the Irish legislature; but we do not consider this circumstance as materially affecting the consideration of the present question. And though, for a brief period during the reign of James II., acted on by the individuals named as it as corporate officers, and still preserved among the archives of the corporation, and some parts of the modern practice are conformable to its provisions, we think that this charter cannot be considered to have now any validity, or to have been in fact operative since the Revolution.

It seems therefore unnecessary to detail its provisions, which are very comprehensive and minute, containing some of the regulations of previous charters and ordinances, apparently derived from the then constitution of the body corporate, as to the number and mode of election of corporate officers, and members of the corporation, with others introducing new members, such as free burgesses, and regulations which are not known to the present constitution: we think it sufficient to observe, that every trace of popular principles was carefully excluded from the plan of municipal government proposed by this charter, the whole governing power being vested in a council, consisting of the mayor, twenty-four aldermen, and forty-eight free burgesses; the aldermen and free burgesses holding for life, and all vacancies in its members being supplied by self-election of the council; even the elective franchise in returning members to Parliament was confined to the select body. The power of making freemen of the corporation and its guilds was limited to them, and a discretionary power of removing the mayor, recorder, aldermen, free burgesses, and other officers, was vested in the Lord Lieutenant and Privy Council of Ireland. This charter is printed in the Appendix to the Report of the Committee of the House of Commons in 1823 on the local taxation of Dublin.

28. On a consideration of the several charters we have noticed, and the numerous arrange-

ments and details of the corporation of the city of Dublin, it cannot be said that there is any governing Charter. In fact, the present constitution is founded partly on the provisions of several of them, partly on usage and ancient customs, partly on the New Rules made in the 25 Charles II., and principally on the enactments of the Statutes 33 Geo. II. c. 16, and 11, 12 Geo. III. c. 1, which will be separately noticed in the course of this Report in connexion with the particulars to which they relate. Numerous patents of inscriptions of the charters, by successive monarchs, are among the records of the corporation, which we have thought it unnecessary to particularize.

29. There are twenty-five incorporated Guilds or companies of trades existing in the city of Dublin. They are all connected with, and in some respect form parts of, the general corporation, which is commonly distinguished from them as the corporation of "the city at large." The following Report will show the nature of the connexion between the guilds and the general corporation. The charters of these companies and the particulars of their respective constitutions form the subject of a separate portion of this report.

New Rules,
Statutes of Geo. II.
and Geo. III.

Incorporated
Guilds.

The following are the trades thus incorporated:—

Merchants,	Weavers,
Tailors,	Shearmen and Dyers,
Smiths,	Goldsmiths,
Barber-Surgeons,	Coopers,
Bakers,	Felt Makers,
Butchers,	Cadgers,
Carpenters,	Bricklayers,
Shoemakers,	Hosiers,
Saddlers,	Carriers,
Cooks,	Brewers and Malsters,
Tanners,	Joiners,
Tallow Chandlers,	Apothecaries.
Glovers and Skinners,	

All, except the guild of merchants, are usually called minor guilds.

III. CORPORATE BODY.

CORPORATE BODY.

30. The Title of the corporation of Dublin is, "The Right Honourable the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin."

Title.

31. The Officers of the corporation who are constituent members of it are,

Classes and Officers.

The Lord Mayor,
Two Sheriffs,
24 Aldermen,
144 Common Council Men; consisting of
48 Sheriffs' Peers, and
96 Representatives of the Guilds.

Of the other officers the following are connected with the administration of justice:—

Recorder,
Coroners,
President of Court of Conscience,
Town Clerks and Clerks of the Peace,
Marshal,
Water Bailiffs,
Sergeants at Mace,
Secretary to the Lord Mayor,
Register of Lord Mayor's Court,
Register of Court of Conscience,
Bailiffs of Court of Conscience,
Crier of the Quarter Sessions Court,
Governor of Newgate,
His Deputy,
Keeper of the City Marshalsea,
Keeper of the Sheriffs' Prison.

The following are ministerial:—

Treasurer,
Accountant,
Architect,
Surveyor,
Law Agents,
High Constable,
Sword Bearer,
Mace Bearer,
Officer of Commons,
Clerk of Commons,
Staff Men.

CORPORATE BODY.

The officers connected with the markets are,
 Deputy Clerks of the Markets,
 Inspector of the Hay Market,
 Clerks or Weighmasters of the Hay Markets,
 Weighmasters of Batter Cranes,
 Weighmaster of the Green Hide Crane.

The remaining officers are those belonging to the Pipe-water Establishment; they are,

Masters of the Works,
 Engineer,
 Store Keeper,
 Book Keeper,
 Inspector of Collectors,
 Collectors,
 Supervisor,
 Overseer,
 Inspector of Turn-cocks,
 Turn-cocks.

Number of Freemen. 32. The number of the Freemen is not ascertained, but is generally estimated at about 4000. There were about 1900 registered under the Reform Act, to February 1834, as voters resident within seven statute miles of the place of election. The number of non-residents, and of residents not registered as voters, is considerable. At the contested election, held in May 1831, the number of freemen who voted was 2459.

ELECTION AND
 QUALIFICATION OF
 OFFICERS AND
 MEMBERS.
 Lord Mayor, elec-
 tion of.

33. The Lord Mayor is elected from the aldermen. By the New Rules in the 25 Charles II. the right of election of the lord mayor was confined to the lord mayor and aldermen, eight aldermen being always present. This was altered by the 33 Geo. II. c. 16, sec. 11, which requires, that "the name of the person elected by the lord mayor and aldermen shall be returned by them to the commons of the common council for their approbation, without which he shall not be capable of serving; and, if the commons reject or disapprove of the person so returned, the lord mayor and aldermen shall, from time to time, elect another person, and return the name of the person so elected to the commons for their approbation, and so, from time to time, until the commons shall approve of the person returned."

The office of lord mayor is very seldom contested. There is in form an election by the lord mayor and board of aldermen in the following way: The names of the three senior aldermen of the juniors, that is, of those who have not served the office of lord mayor, are written in an election book; those three aldermen then retire from the room, and the election is proceeded with in their absence, the names of the remaining aldermen being called over, beginning with the junior present, and each, as called in rotation, signing his name in the book under that of the person whom he wishes to be elected. The name of the person having the majority of votes is then inserted in a return, which is signed by the lord mayor and sent down to the commons. The alderman next in rotation to the acting lord mayor is usually the person elected by the board, unless he should wish to be passed over. It rarely happens that the person so returned to them is rejected or disapproved of by the commons. But in a few instances the latter body have succeeded in obtaining the election of the alderman preferred by them, by successively rejecting every other sent down by the lord mayor and aldermen.

The election of the lord mayor appears to be almost the only branch of the internal arrangements of the corporation which has become the subject of especial public notice, and as, on the principal occasions on which it has been matter of controversy, it seems to have attracted at the time much of public attention, and to have led to investigations on the constitution of the corporate body, and the legal right of its constituent members, it may be convenient here to state the most important particulars of those contests.

The practice of having three aldermen put in nomination, as at present, for the office of lord mayor, appears to be very ancient; but in the latter years of the reign of Queen Anne an attempt was made to establish a right in the lord mayor for the time being, to nominate the three candidates, and to compel the aldermen to elect one of the three so nominated. This attempt was supported by the Irish Government of that period, and led to a violent and protracted contest between the lord lieutenant and privy council, acting on the powers of approval or disapproval given to them by the New Rules, on the one side, and the board of aldermen on the other.

It was at first attempted on the part of the former to establish that the senior alderman who had not served the office of lord mayor, technically described as "not having passed the cushion," was of right entitled to be elected lord mayor—a position which if sustained would at once have made the election a mere form. This point was got rid of by the corporation by the repeal of some ancient bye-laws which appeared to support it; but the claim of the lord mayor alone to nominate the three candidate aldermen became the subject of very serious proceedings, and led to the agitation of a further question. Whether the lord mayor might hold over, beyond his year of office.

The proceedings on this occasion were obviously connected with the views of the then great contending political parties of the State. The account we have of them is that given by the finally predominant interest, on the accession of George I., and must therefore be liable to those deductions, to which, however unimpeachable the individuals by whom they are prepared, all political statements are to some extent subject.

The questionable parts of the statement we allude to have reference only to the motives and objects of the actors in the transactions it describes. The details, which relate to the subjects connected with this part of our Report, derive corroboration from the subsequent practice in corporate elections.

The history of the contest is given at great length in the account above referred to, namely, the Report, in the year 1716, of a Committee of the Irish House of Commons, specially appointed to investigate the subject. This Report, accompanied by numerous documents, is published in the Appendix to the third volume of the *Journals* of that House, p. 78. The nature of the contest, and the evidence afforded, on that occasion, of the ancient constitution of the corporation, in many particulars will, we think, be most conveniently shown by giving such extracts from the Report as appear to us to be connected with those subjects.

This document, after a brief reference to the charters of Henry II., John, and Edward III., proceeds to state, that, by a bye-law in Richard III.'s time, it was ordered, amongst other things, that the juries, i. e., the aldermen, shall meet on every Holyrood day to name one of themselves to be mayor, from the feast of St. Michael then next ensuing, for the space of one whole year: and if the person so named come not to the election of mayor as he was named on Holyrood day, according to the law of the said city, which hath been used of time that no mind is, to pay 20*l.*: and if any jury shall absent himself on Holyrood day without reasonable cause, he shall have no election on Michaelmas: provided that no jury, that shall be chosen mayor and serve for a year, shall be elected within three years after without his own assent: and that at Michaelmas assembly, 2 Edward VI., it was ordered, that the mayor for the year past shall go with the mayor of the city for the time being, to begin from Michaelmas, and so from Michaelmas to Michaelmas continually for ever: that afterwards, at Easter assembly in the 11th year of Queen Elizabeth, a bye-law was made, whereby it was enacted, "that to eschew contention that yearly ariseth upon election of mayor, every alderman shall keep his turn for bearing the charge of mayoralty according to antienty, and all laws, ordinances, establishments, licences, grants, and orders, heretofore made or granted to the contrary hereof, shall be by authority of this assembly revoked, repealed, annulled, and utterly frustrated and void:" that this bye-law which established the succession continued in force till Christmas assembly, 1652, when a bye-law was made reciting the last-mentioned bye-law in the 11th of Queen Elizabeth, and that the election of a mayor by the mayor and aldermen, with the assistance of such as by that assembly should be concluded upon, will be more agreeable to the original constitution of the corporation in the point of election of their yearly mayor, and recites further that the commons desired the assembly to lay down a course therein: and the said bye-law orders and directs, that the mayor be thenceforth yearly elected from among such of the aldermen as have not borne the office of mayor in their own right, or in default of such, out of the aldermen at large, to be made according to ancient custom of the city by the mayor and aldermen calling to their assistance the sheriffs and sixteen of the commons then present, to be appointed by the sheriffs: and that bye-law further orders, that the mayor shall thenceforth be elected at such times as anciently have been accustomed, in such manner as in the petition is desired, provided there be three of the aldermen that have not served in their own right, to be nominated by the mayor and aldermen, put in election: and, if there be not so many, then out of the aldermen at large: which bye-law continued not long in force, for at Easter assembly, 1657, a bye-law was made, by which it was ordered and enacted, that every alderman who had not borne the office of mayor in his own right shall keep his turn for bearing the office and charges of mayoralty, according to his antienty successively; and all laws, ordinances, establishments, and orders theretofore made to the contrary are annulled thereby: that from 1657 till the making of the New Rules in 1672, the bye-laws of succession again took place, except in two instances, one of Aldermen Richard Cooke in the year 1663, the other of Sir Daniel Bellingham in 1664, each of whom were excused from serving in their turn, and the law of succession was, by the said Acts of Assembly, dispensed with in the said cases.

The Report, after stating the publication of the New Rules for Dublin, and the subsequent course of proceeding as to the mode of election, sets forth the claim of Aldermen Robert Constantine, in 1711, to be chosen lord mayor, of right, as the senior alderman who had not passed the cushion; and the Committee reported, that it further appeared to them, that, in order to remove all colour of objection for the future, the lord mayor, aldermen, and common council, the 15th day of May, 1711, at a very full assembly, duly summoned in the usual manner, and by the proper officers, consisting of the lord mayor, aldermen, and about eighty of the commons, the whole number of the commons being about 106, made a bye-law, which recites, that one bye-law made at Michaelmas assembly, in the fifth and sixth years of King Philip and Queen Mary, which enacted, that the mayor of the city should, the year after his mayoralty, be made master of Trinity Guild, and also one other bye-law made, the 11th of Queen Elizabeth, which bye-law is before set forth, were found inconvenient in restraining the freedom of elections; and the said bye-law enacts and orders, that the said recited bye-laws are thereby repealed, revoked, annulled, vacated, and abrogated, and that all other bye-law or bye-laws, or ordinances whatsoever theretofore made, whereby the right or manner of electing mayor, or master of Trinity Guild, is restrained, limited, circumscribed, abridged, or directed, and every clause or article therein are repealed, revoked, and abrogated to all intents and purposes. The Report then states six several elections of lord mayor and sheriffs in 1711, all disapproved of by the lord lieutenant and privy council, and that, on the 1st day of October, an act or order was made of the then lord mayor and board of aldermen, importing that it was the undoubted right of the

lord mayor and aldermen to elect such of the aldermen of the city to the mayoralty as they should think fit, without regard to seniority or juniority. The Report then gives a long and particular detail of the controversy which ensued, but which it is unnecessary to introduce here; and concludes with a series of resolutions, of which the following only are now of importance:—

Resolved, That it is the opinion of this committee, that the senior alderman, who had not acted as mayor, had not any right, by charter, usage, or bye-law in force in the city of Dublin, as such to be elected lord mayor.

Resolved, That it is the opinion of this committee that the right of nominating the three persons to be put in election for the mayoralty is in the lord mayor and aldermen of the said city, and that the aldermen are in no sort restrained in the choice of the succeeding lord mayor to one of the three persons nominated, or proposed to be put in election, for lord mayor.

Resolved, That it is the opinion of this committee that the lord mayor of the city of Dublin hath not any right by charter, usage, or bye-law, in force in the city of Dublin, to hold over beyond the year for which he was elected.

The statute 33 Geo. II. c. 16, s. 11, already stated, does not interfere with the form of election of the lord mayor by the lord mayor and board of aldermen, but makes their choice expressly subject to the approval or disapproval of the commons.

No further important contest respecting the election of the lord mayor arose until some years after this Act was passed, namely, in the year 1790.

The Irish Government, in the year 1786, succeeded in passing a Bill for the better establishment of the police of the city of Dublin, which vested in the lord lieutenant very extensive powers in the appointment of commissioners of police and divisional justices, which were to be chosen from the magistrates of the city; and the aldermen being in fact the only permanent magistrates, the Act gave an important influence to the Government in the corporation by its exercise of the power of appointment.

The Police Bill, on this and other grounds, became an object of the most violent hostility on the part of the citizens, and it appears that eighteen of the guilds pledged themselves not to vote for any citizen to serve in the common council, who did not previously to the election take and subscribe a solemn test that he would not vote for any man to be lord mayor who was a commissioner of the police.

An occasion arose for acting on these principles on the election of a lord mayor in the year 1790. On the 16th April in that year the board of aldermen returned to the commons the name of Alderman James, a commissioner of police, as chosen by them to be lord mayor. The commons proceeded to a ballot, and Alderman James was rejected by a majority of four.

The board of aldermen then sent down successively the names of seven other aldermen, who, being objectionable on similar grounds, were all rejected by large majorities.

The board of aldermen not having sent down any other name, the commons adjourned to the next day, and the lord mayor entered their hall, and declared that he dissolved the assembly.

On the next day the sheriffs and commons assembled, and elected Alderman Howison to be lord mayor, and returned his name to the privy council. The board of aldermen, on the same day, met and elected Alderman James, and made a separate return of his name to the privy council. Council was held before that assembly, and the lord lieutenant and privy council sent both parties to a new election.

A post assembly was accordingly held on the 27th May, when the lord mayor and board of aldermen again returned the name of Alderman James to the commons, who again rejected him. The lord mayor and board of aldermen then sent a message to the commons, to know "on what ground, or for what cause, the sheriffs and commons had disapproved of Alderman James;" to which the latter body replied that they, acting according to law, did not think it incumbent on them to assign any reason for rejecting him. The board of aldermen did not send down any other name, and both houses met the next day, when the sheriffs and commons re-elected Alderman Howison, and the lord mayor and aldermen re-elected Alderman James, and the names were severally returned to the privy council as before.

The lord lieutenant and privy council again sent them to a new election, which took place on the 23d June. The lord mayor and board of aldermen again returned the name of Alderman James to the commons, who again rejected him by a majority of two to one. The board sent another message to demand the reasons of objection to Alderman James, which was answered, as before, that the commons, acting lawfully, did not conceive themselves bound to assign any reasons. Both parties met again the following day, when Alderman Howison and James were again elected by the respective bodies as before, and returned the third time to the lord lieutenant and privy council.

The question on these double returns was argued at great length before the privy council, and the principal point which appears to have been discussed was, whether, under the 33 Geo. II. c. 16, s. 11, the commons were at liberty to reject the alderman sent to them by the board, without assigning any reasons for the rejection. The difficulties which must necessarily exist in assigning reasons for the decision by ballot of a large assembly, and in determining at the moment on the validity of the objection, with the want of any provision as to the persons by whom such determination should be made, were strongly urged on behalf of the commons. The privy council, however, without assigning any reasons for their judgment, approved of Alderman James. The lord chancellor, Lord

Clare, in a speech afterwards made by him in the House of Lords, declared, that, when double returns had been made, it had been always considered as almost matter of course to approve of one of the parties returned, and that by this means the question was put into a situation of being tried at law, and that the decision of the lord lieutenant and council was of no authority whatever: if Alderman James's election was illegal, that decision did not affect to legalize it, but merely put it in course of trial before the proper tribunal.

The question was not finally brought into a court of law: Alderman James, yielding either to the legal difficulties urged against his election, or to the force of popular feeling so strongly directed against his appointment, finally retired from the contest; and the commons have ever since exercised the power of disapproval, without assigning the grounds of objection to the aldermen returned to them, or being called on by the board of aldermen to do so.

The last occasion of a contest for the office of lord mayor occurred in the year 1820. The lord mayor and aldermen on that occasion sent down successively the names of several aldermen, whom the commons rejected, and the lord mayor and aldermen finally declined to send down the name of Sir A. B. King, whom the commons wished to elect, and retired from the assembly. The commons, under the power conferred by the 13th section of the Act, met on the next day, and elected Sir A. B. King, and this election was confirmed by the lord lieutenant and privy council.

In case of the death of the lord mayor during his year of office, it is provided by the statute 11, 12 Geo. III. c. 11, s. 69, that the aldermen shall assemble within two days after such death, and elect an alderman as *locum-tenens*, who shall have all the powers before vested in the lord mayor, and be capable of presiding and summoning the members of the corporation for the election of a lord mayor in place of the deceased.

The 70th section requires the person so elected *locum-tenens* to proceed to such election of a new lord mayor within fourteen days after the death of the late lord mayor; and, in failure of his so doing, his power and authority shall immediately cease and determine, and the aldermen and commons may elect a lord mayor without his presence or concurrence, and these summonses in the name of the town-clerks, or town-clerk, for the purpose of holding such election.

The same statute, in s. 68, empowers the lord mayor, by warrant under his hand and seal, to appoint one of the aldermen to officiate as his *locum-tenens* during his illness or necessary absence.

The being an alderman is the only necessary qualification required for the office of lord mayor.

It is a provision of the New Rules, 25 Charles II., that the name of the person elected shall, within ten days after the election, be presented to the lord lieutenant and privy council for approval; that he shall not be capable of serving until approved; and if not approved within that time the corporation shall proceed to a new election, and present the name of the person elected, as before, and so from time to time, until they shall have chosen one that shall be approved of.

Fines, discretionary in amount, were formerly imposed on persons refusing to serve the office of lord mayor when elected; an instance occurs of such a fine, in the year 1603, so high as 2000*l.*: this has not been the practice in modern times.

It appears to have been formerly the custom for the lord mayor on the day of his election to enter into a recognizance in 1000*l.* to appear on the next Michaelmas-day to undertake the office.

The lord mayor on his election pays a sum of twenty guineas to the Blue Coat Hospital.

The lord mayor is sworn into office before the lord lieutenant of Ireland, according to the provision of the charter of 15 Henry III. The oath, by the statute 17, 18 Geo. III., c. 44, may be administered by either of the chief justices, or any of the other justices of the courts of King's Bench and Common Pleas, in the absence of the chief baron of the Exchequer. Power was given by the charter 37 Edward III., as already stated, to the lord mayor and commonalty of the city to swear in the lord mayor, unless the lord lieutenant or some baron of the Exchequer should be in Dublin at the time, before whom, then, such oath was to be taken.

34. The aldermen are elected for life from among those who have served the office of sheriff, called sheriffs' peers. The mode of election is as regulated by the 33 Geo. II., c. 16, s. 10, which requires the lord mayor and aldermen, or the usual quorum of them, on a vacancy, within the usual time of filling such vacancy (which is twenty-one days), to nominate four sheriffs' peers as fit persons to serve the office of aldermen, and return their names and additions to the commons, who shall elect one of the four to the office. Aldermen, election of.

It is complained of that the apparent power of selection thus given to the commons is defeated, and the election of aldermen substantially vested in the lord mayor and aldermen, by the latter returning only the names of candidates preferred by them, with those of persons not seeking and known to be unwilling to accept the office, or unlikely from age to be elected to it. This is an obvious consequence of the power of nomination given to the lord mayor and aldermen. The only mode the commons have of defeating it is, by electing one of the four who it is known will not accept the office, and instances of this nature have occurred.

There is not any qualification in respect of property required in the aldermen, nor any fine on a person elected refusing to serve the office.

Every alderman on being elected is expected to provide an entertainment for the common council. He pays also a sum of 400*l.*, of which 100 guineas is for the Blue Coat Hospital.

CORPORATE BODY.

and the residue applied to a fund called the Junior Aldermen's Fund, which is set apart for the repairs and embellishment of the Mansion House. The entire expense on election is about 600*l*.

An alderman elected lord mayor does not lose his office of alderman, save during his year of office as lord mayor. There are, in fact, always twenty-four aldermen, besides the lord mayor for the time being.

Sheriffs, election of.

35. The election of the sheriffs was, by the New Rules, 25 Charles II., vested exclusively in the lord mayor and aldermen; but an important alteration was made in this respect by the 33 Geo. II. c. 16, which regulates the present mode of election.

By that Act, s. 9, the commons of the common council are, at the usual time of electing sheriffs (which is at the Easter assembly), to nominate eight freemen of the city, resident within the city or adjoining liberties, each worth, in real or personal estate in possession, the sum of 2000*l*. over and above all his just debts, as fit persons to serve in the office of sheriff, and shall return the names and additions of the persons so nominated to the lord mayor and aldermen, who shall elect two persons out of the eight so returned to be the sheriffs for the ensuing year,—from the usual time of entering on the office (which is at Michaelmas);—and in case of the death of a sheriff in office, or his resignation or removal, the commons on such vacancy shall, within the usual time of filling such vacancy, nominate four freemen of the city, qualified as aforesaid, and return the names and additions of such four to the lord mayor and aldermen, who shall elect one thereout, to serve in the office during the time the person in whose room he shall be elected ought to have served them.

By the New Rules, the sheriffs must be approved of by the lord lieutenant and privy council, in the same manner as we have noticed in respect to the lord mayor.

The power of nomination thus given to the commons enables them, to some extent, to vest in themselves the election of sheriffs, by adopting the practice complained of in the nomination of persons for the office of alderman by the lord mayor and aldermen, and returning the names of their favourite candidates, with those of others so objectionable as to induce the lord mayor and aldermen to elect, as of course, those preferred by the commons. This course accordingly is stated to have been pursued by the commons on some occasions. It is a bye-law of the corporation, that an oath shall be administered to those persons whose names are returned to the lord mayor and aldermen, that they have not agreed to appoint any particular person under-sheriff.

Qualification.

By the statute 33 Geo. II. c. 16, the sheriffs should possess the qualification of being worth, in real or personal estate in possession, the sum of 2000*l*. (of the late Irish currency) over and above all their just debts; and by Act of Assembly the persons whose names are returned to the lord mayor and aldermen ought to be first sworn to their possessing the qualification. If any candidate present at the time of election should refuse to be sworn he would be rejected; but it is not a ground of objection that the candidate is not present at the election, and thus by being absent he is allowed to avoid taking the oath; and it appears that latterly individuals have served the office without having taken it. There is no other mode pointed out of ascertaining actual possession of the required qualification, and, considering the importance of the office and the responsibilities attached to it, the existing regulation in this respect seems very inefficient.

The qualification of residence within the city and liberties is not by the statute required to have existed for any period prior to the actual time of election.

The office of sheriff has not in practice been confined to mercantile men. Some late sheriffs have been officers holding commissions in the army.

The office of sheriff being introductory to that of alderman, and conferring on the person who has served it a permanent place in the common council, care is generally taken to elect individuals possessing the political principles of the corporation, which are avowedly exclusive and anti-catholic; and as a test of his opinions, unless otherwise sufficiently known, the candidate for the office of sheriff has been required to engage that he will propose, at his civic entertainments, a political toast which has long been considered a pledge of those principles. When the functions and duties of the office of sheriff, and the very extensive powers vested in those filling it, come to be considered, it will be obvious how injurious to the administration of justice the effect must be, of the suspicions which (however upright and impartial the conduct of individuals) must attach to their performance of those public duties in the minds of the great body of their Roman Catholic fellow-citizens, and of those of other persuasions who are opposed to the political views of the corporation.

Fines.

A freeman elected to the office of sheriff may become a sheriff's peer without actually serving the office, on paying a fine of 500*l*., of which 100 guineas is given to the Blue Coat Hospital.

From a very early period fines, varying in amount, appear to have been imposed on freemen elected sheriffs who refused to serve the office. The highest sum has been 500*l*. The payment has been sometimes submitted to, but at others resisted, and no instance was shown to us of proceedings having been taken to enforce it. Persons have been allowed to decline the office on payment of nominal fines, and some, who had previously refused to accept the office at all, have escaped without paying any thing. There seems much uncertainty as to the nature and exercise of the power.

Each sheriff on his election is expected to pay 100 guineas to the Blue Coat Hospital. This payment is rarely declined or objected to, but some instances were stated to us of sheriffs who refused to make it, on the ground of their having been forced into the office.

A representative of a guild in the common council, elected sheriff, vacates his place as such representative.

It is a provision of the 33 Geo. II. c. 16, s. 13, that within two days next after the election of alderman or sheriffs, the town-clerk shall cause a list of the names of the several persons returned by the lord mayor and aldermen to the commons, as fit to be chosen aldermen, and the names of the persons returned by the commons to the lord mayor and aldermen, as fit to be chosen sheriffs, to be posted on the Tholsel, Four Courts, Parliament House, Trinity College, and Market House, distinguishing the names of those elected; and on the Saturday next after such posting, shall cause the like list to be printed in the Dublin Gazette and two other public newspapers, at the expense of the corporation.

This regulation is not now observed, save by posting the lists at the Assembly House and Sessions House; formerly the building called the Tholsel, now no longer in existence, served the purpose of both.

By the same statute, s. 13, it is provided, that if either the lord mayor and aldermen or the commons shall omit or refuse to assemble at or within the usual times, for the electing the lord mayor and aldermen and sheriffs respectively, or, being assembled, shall omit or refuse what is thereby required to be done by them respectively for election and appointment of the said officers, then the commons, in case such default shall be in the lord mayor and aldermen, or the aldermen, if the default shall be in the commons, or the usual quorum of them respectively, shall and may, without any summons for the purpose, assemble at the Tholsel on the next following day (not being Sunday), or if Sunday, then on the Monday next following, and elect the said officers respectively as the case shall require; and every such election so made shall be valid and effectual to all intents and purposes.

We have noticed instances of the exercise of the power given by this section to the commons, on the occasion of the election of lord mayor.

36. The Common Councilmen are those who have served the office of sheriff, called sheriffs' peers; and representatives elected triennially by the several guilds of the city. By the first section of 33 Geo. II. c. 16, the number of sheriffs' peers is not to exceed forty-eight, and in practice there are not so many. There were thirty-five on the 1st January, 1834, of whom four had become sheriffs' peers without serving the office, on payment of a fine. The number of the representatives of the guilds is ninety-six, in the following proportions:—

Trinity Guild or Guild of Merchants	31
Tailors	4
Smiths	4
Barber-Surgeons	2
Bakers	4
Butchers	3
Carpenters	3
Shoemakers	4
Saddlers	3
Cooks	2
Tanners	2
Tallow-chandlers	2
Glovers and Skinners	2
Weavers	3
Shearmen and Dyers	2
Goldsmiths	4
Coopers	2
Felt-makers	2
Cuthers	2
Bricklayers	3
Hosiers	2
Curriers	2
Brewers	4
Joiners	2
Apothecaries	2

96

The numbers above stated appear to have been those of the sheriffs' peers and representatives of the guilds, at the time the New Rules for Dublin were made in the year 1672. By the fourth rule the period of election was fixed at three years, commencing with the month of November in that year, and it has since so continued without interruption. The same rule provided, that the several guilds should, at each period of election, elect and nominate double the number of persons usually chosen out of each guild and present their names by the master and wardens of the guild, to the lord mayor, who should, in the presence of one of the sheriffs and eight of the aldermen before the 24th December, elect out of the persons so presented, the number usually serving in the common council for each guild; and in case of vacancies happening by death or removal in the three years, the guild out of which the person dying or removed was elected should present two others to the lord mayor, out of whom he should, in presence of a sheriff and eight aldermen, elect one to serve for the remainder of the three years.

The lord mayor and aldermen on default of any guild so to nominate, or of the master and wardens to return the names of the persons nominated by the guild, in manner and at the time appointed, or on refusal of the person nominated or elected to serve as member of the council, were empowered and required some time after the last day of November, and

before the 24th December, every three years, to elect out of the guilds so failing the accustomed number to serve for such guild in the common council.

The 33 Geo. II. c. 16, s. 2, materially altered these provisions, in favour of the independence of the guilds, by taking away all powers of election from the lord mayor, and declaring that the guilds, instead of electing and returning double the number of persons usually serving for each guild, should for the future elect the number of persons, and no more, which each guild are entitled to have as their representatives in the common council. The guilds are however to present the names of the persons elected to the lord mayor within the usual time; and by sec. 3, any master or wardens of a guild refusing or neglecting to return the names of the persons elected within the accustomed time, may be disfranchised by the common council, and the clerk of the guild shall make the return in their place with the like liability to disfranchisement, on refusal or neglect by him to make such returns, and to be for ever after incapable of holding that or any other office or employment within the city; and if all, master, wardens, and clerks, should neglect or refuse to make the returns within the accustomed time, the guild may within six days after the expiration of that time appoint a new master, wardens, and clerk, who may within six days make a valid return.

We have not been informed of an instance in the recollection of the present officers of the corporation, of default in any party in making the returns.

The election in the guilds takes place in November, every third year, under a precept from the lord mayor, addressed to the master and wardens of the guild, and on which the officer of commons is paid a fee of 1*l.* from each guild.

No person can be returned as a representative of the guild who is not a freeman of the city at large; and by the 5th section of the 33 Geo. II. c. 16, no person can vote for commons of the city in any other guild than that in which he was first made free. The importance of this provision to the guilds was very great, as many individuals are in fact free of several guilds, and a contrary practice would inevitably lead to the entire destruction of the independence of those bodies.

It is not determined by statute, and we cannot find that it is settled in practice, whether a person admitted to the freedom of a guild, but not admitted to that of the city at large, as adverted to hereafter, can vote for representatives for his guild.

By the 14th section of the 33 Geo. II. c. 16, every election by the guild for representatives in the common council, and every election made or approbation given by the commons by virtue of that Act, shall be by ballot, and not otherwise.

It is enacted by the 33 Geo. II. c. 16, s. 4, that no person shall be elected, nominated, or returned, or capable to serve in the common council, who shall not at the time of election, nomination, and return, follow the business or trade of the guild or corporation for which he or they shall be so elected, nominated, or returned, as his public or known trade business, or occupation, or shall have served an apprenticeship to such trade, business, or occupation, or have followed it for the space of five years; save only for the guild of merchants, and as to that guild, that the representatives of it in the common council shall be merchants or traders. The obvious intention of this provision, and the entire system of election from the guilds, which in their original constitution were bodies associated for the benefit of the trades from which they derive their names, and are still supposed in practice to represent those particular branches of industrious occupation, tend to the conclusion that the commons were formerly the ostensible representatives of the commercial and trading interests of the city.

They have long ceased to fill that useful and honourable position; and whether it arises from the exclusive political character of the corporation, or from some other motive, it appears that a disinclination exists among the mercantile body of the city to become members of it.

Of the representatives of the guild of merchants in the common council few have any pretensions to that name; and even in the minor guilds the representatives are frequently persons not following the trade of the guild they represent, or any other, and several are attorneys. These anomalies arise from the recognition of the rights of admission by birth and marriage, and the limited power of determining on the qualification of the representatives given by the 6th section of 33 Geo. II. c. 16, hereafter noticed. The details of the several guilds will shew the extent of the deviations which in this respect exist from the statutory regulations above alluded to.

In fact, the commons are totally distinct from the mercantile body of the city, and nothing can more clearly illustrate the position in which the corporation and the citizens at large at present stand, than the facts that the council of the Chamber of Commerce, the Committee of the Commercial Buildings, the Directors of the Corn Exchange, and the Committee of the Linen Hall, the principal commercial institutions of the city, do not contain a single alderman, sheriffs' peer, or member of the commons. The Ouzel Galley Society, an institution for the arbitration of disputes relative to trade and commerce, and consisting of many of the most influential and respectable merchants, contains one alderman and one sheriffs' peer.

A power appears to exist in the common council to alter the numbers of common councilmen serving for any guild, and distributing them amongst the others, so as the whole do not exceed the number of ninety-six. This power is recognised in the New Rules, and in the statute 33 Geo. II. c. 16, s. 8, but we have not found any trace of its being exercised in modern times.

Each individual elected a representative, besides the charges to which he may be put in his guild, pays 1*l.* to the officer of commons.

Each sheriff's peer pays the same sum to this officer every three years.

37. With the design of preventing persons not duly qualified from being of the common council of the city, it is enacted by the 33 Geo. II. c. 16, s. 6, that the lord mayor shall, as often as may be necessary, between the last day of November and 24th December, which shall be at the end of every three years, convene the common council of the city, who are empowered finally to determine and adjust all differences and doubts touching the qualification, election, nomination, return, and appointment of the several persons elected, returned, or appointed as representatives of the guilds for the three years next ensuing, and any complaint made or information given by any freeman of the city to the lord mayor of the disqualification, or undue return, of a common councilman elected on an occasional vacancy. The lord mayor is also required thereupon, without delay, to convene the common council, who are thereby empowered finally to determine the same.

It is provided by the 7th section, that the lord mayor, aldermen, and commons shall sit together to determine and adjust these elections and returns, but on no other occasion.

To enable the common council to take into consideration the qualification or due election of a representative from any of the guilds, it is necessary that a petition should be presented in the time mentioned in the 6th section of the Act against the return; and by a modern resolution of the assembly, the petitioner must deposit five guineas with the town-clerks on lodging the petition, to defray the expenses of the common council in meeting to determine its merits. The petition may be presented by any freeman of the guild, and should, regularly be lodged before the person petitioned against is sworn in, but may be afterwards.

The deposit thus required, and the other expenses attendant on the discussion of the petition, which may be considerable (the parties sometimes employing counsel on such occasions), and which, even if successful, the petitioner does not recover from the opposite party, tend to prevent individuals from coming forward, to object to the election of members apparently disqualified. The council will not entertain any objections to a return not stated in the petition, nor, except on petition, inquire at all into the qualifications of a member.

The recorder sits as assessor to the assembly, when so convened on election petitions, but has not any vote, nor is he at liberty to give his opinion unless required; and it has been made a question on such occasions whether or not the recorder's opinion should be asked on the case before the assembly, and decided in the negative.

The numbers of the representatives of the guilds not belonging to the respective trades is stated to have increased of late years.

Care has been taken by the commons to prevent persons holding offices under the corporation from being members of the common council. Their standing rules and orders provide, that no petition shall be balloted for by them, from any member, either of the board of aldermen, or of the commons, for any lucrative employment under the city, unless the petitioner previously declares, that, in case he is elected to the office, he will immediately after resign his seat in the assembly; that on any election of common councilman any person returned who holds any place or employment (to which a salary is annexed,) or is a pensioner in or under the corporation, shall vacate the employment or lose the pension; and that no salary or pension whatever shall be allowed the city treasurer or receiver on his account, in case the person to whom the same shall be payable shall be elected or returned to serve as a common councilman for any corporation in the city, and shall at the time he received the salary or pension be of the common council. These orders are generally observed, but a late exception has been made to them on special grounds in favour of an individual appointed to a newly created office—that of Inspector of the Pipe-water Revenue, which will be noticed in a subsequent part of this Report.

An Act of Assembly of 1770 declares, that from 24th December, 1771, no member of the common council be elected to any place of profit or emolument in the city, or employed in any of the city works. But this regulation is not strictly observed.

The lord mayor, aldermen, sheriffs, sheriffs' peers, and commons constitute the common council, or select body of the corporation, divided into two houses, which sit apart, except on election petitions, the upper house consisting of the lord mayor and aldermen, and the lower of the sheriffs, sheriffs' peers, and commons, in the numbers already stated.

38. The Recorder is elected by the common council. The lord mayor and aldermen first elect, and return the name of the person elected by them to the sheriffs and commons for their approbation; should they reject the person so returned the lord mayor and aldermen proceed to a fresh choice, and return to the commons, and so on, until both houses concur in the election of the same individual. The name of the person elected must, under the New Rules, be returned to, and he must be approved of by the lord lieutenant and privy council, in the same manner as the lord mayor and sheriffs. The recorder was formerly appointed by the corporation during pleasure, but by the 33 Geo. II. c. 16, s. 20, it is enacted, that he shall continue during good behaviour, subject to be removed by the city on his being promoted to a judicial office in any of the superior courts of justice in Ireland.

Recorder, how elected.

The recorder is not required to be a freeman. He must be a barrister.

By the statute 31 Geo. II. c. 16, which gives to the recorder of Dublin a Civil Bill jurisdiction, power is given in the 6th section to the lord chancellor or lord commissioners of the great seal, to appoint one of the king's counsel to hold the Civil Bill Court during the sickness or other necessary cause of absence of the recorder. The general statute 21, 22 Geo. III. c. 42, s. 5, empowers the recorder, in the like cases of sickness or necessary absence, with the consent of the lord mayor, to appoint a Deputy, being a barrister at law, to fill his place at sessions of the peace, and such deputy, by the 39 Geo. III. c. 55, s. 4,

CORPORATE BODY.	should be a barrister of six years' standing. By the 5 Geo. IV. c. 102, s. 27, the recorder is prohibited from acting or practising as counsel in any criminal or civil court within the police district of the metropolis. This district comprises all places within eight miles of the Castle of Dublin.
Deputy Recorder.	
Coroners.	39. The Coroners are elected by the lord mayor and board of aldermen alone, and from the aldermen.
President of the Court of Conscience.	40. The lord mayor for the time being was President of the Court of Conscience until the year 1739, but by the statute 33 Geo. II. c. 16, s. 15, the lord mayor is made president of this court, for the space of one year next after he shall have served in the office of lord mayor; and by the statute 11, 12 Geo. III. c. 11, s. 71, the president for the time being may, by warrant under his hand and seal, appoint any alderman to officiate in his place, during his illness, or necessary absence.
Town Clerks.	41. The Town Clerks, who are also the clerks of the peace, are elected exactly as the recorder. They hold their office until death, resignation, or removal, and must, under the new rules, be approved of by the lord lieutenant and privy council. It is not necessary that they should be freemen.
Marshal.	42. The Marshal is elected in the same way and by the same body. The only qualification required is his being a freeman: this officer, in common with many others, is elected by the corporation, in form, only for one year; in practice, however, the same individuals are annually re-elected; instances to the contrary are rare, but it is competent to any member of the commons to demand a ballot on the question.
Water Bailiffs.	43. The Water Bailiffs are elected as the marshal is, and by the same body, and go through the same form of annual election. They give security with two sureties to the extent of 1,000 <i>l</i> .
Serjeants at Mace.	44. The Serjeants at Mace are similarly elected, and go through the same form. They give security with two sureties in 250 <i>l</i> .
Secretary of Lord Mayor and Register of Lord Mayor's Court.	45. The Secretary of the Lord Mayor and the Register of the Lord Mayor's Court are annual officers appointed by the lord mayor for the time being.
Register of Court of Conscience.	46. The Register of the Court of Conscience is an annual officer appointed by the president of the court for the time being.
Bailiffs of that Court.	47. The Bailiffs of that Court are appointed by the register, to whom they pay fees on their appointment, generally of 5 <i>l</i> . each.
Crier.	48. The Crier of the Quarter Sessions Court is appointed by the court.
Governor of Newgate and Keeper of City Marshalsea.	49. The Governor of Newgate and the Keeper of the City Marshalsea are elected by the common council, and go through the form of annual re-election. The former appoints the Deputy Governor.
Keeper of Sheriffs' Prison.	50. The Keeper of the Sheriffs' Prison is annually appointed by the sheriffs, but the same officer is usually continued.
Treasurer.	51. The Treasurer is elected under the New Rules by the lord mayor and aldermen, and he and the coroners are the only officers in whose election the commons do not participate. There is in form an annual election, but the same person is usually re-elected. The treasurer has always been elected from the aldermen, and does not vacate his office of alderman on being elected treasurer. He gives security by two sureties in the sum of 5,000 <i>l</i> .
Other Ministerial Officers.	52. Of the other Ministerial Officers the following are elected by the same bodies, and in the same manner as the marshal: namely, The Accountant, Architect, Surveyor, High Constable, Sword Bearer, Mace Bearer, and Officer of Commons. The Law Agents and Clerk of the Commons are elected by the same body, but hold their offices for life or during good behaviour. The Staffmen are appointed, for his year of office, by the lord mayor for the time being.
Clerks of the Markets.	53. The Clerks of the Markets are the deputies of the lord mayor, who is by charter clerk of the markets. They are annual officers appointed by each lord mayor for his year of office, and generally the same individuals are continued. Each clerk of the market pays a fee of 11 <i>l</i> . 16 <i>s</i> . to the lord mayor on his appointment.
Inspector of the Hay Market.	54. The Inspector of the Hay Market is an officer annually appointed by the lord mayor, to enforce the regulation of the statutes 4 Geo. I. c. 11, s. 12, 13, and 11 Geo. II. c. 11, s. 10; no such officer is mentioned in either of the Acts. He pays a fee of 11 <i>l</i> . 16 <i>s</i> . to the lord mayor on his appointment.
Clerks of the Hay Market.	55. The lord mayor also annually appoints the Clerks or Weighmasters of the Hay Market, each of whom pays him a fee of 11 <i>l</i> . 16 <i>s</i> .
Weighmasters of Butter Caise.	56. The Weighmasters of the Butter Cranes in Spitalfields and Thomas Street are appointed under the authority of the statute 52 Geo. III. c. 134. By the Irish statute 8 Geo. I. c. 7, s. 2, a temporary Act, weighmasters of butter and tallow were to be appointed during

pleasure by the chief magistrate of every city. By the 10 Geo. I. c. 9, s. 22, the lord mayor, sheriffs, commons, and citizens of Dublin in common council assembled were empowered from time to time to appoint one or more weighmaster or weighmasters for the city, to execute the office in person or by deputy. This Act was also temporary, but was continued in force from time to time until repealed as to butter, with several other Acts relating to the butter trade, by the 52 Geo. III. c. 134, the 2d section of which gives the power of appointment of weighmasters in Dublin to the chief magistrate and aldermen. The 4th section makes them removable for misbehaviour, by the mayor, aldermen, and common council.

These officers are appointed during good behaviour, and in practice the appointment appears to be made by the lord mayor, aldermen, and commons, in the usual mode of appointing city officers.

57. The Weighmaster of the Green Hide Crane is an officer first created by the Irish statute 8 Geo. I. c. 7, s. 11, to be appointed by the lord mayor. This was a temporary Act, and by the 10 Geo. I. c. 9, s. 23, was to continue in force during the continuance of that Act. The 10 Geo. I. c. 9, was successively continued by subsequent statutes to the 29th September, 1812, and to the end of the then next session of parliament. The 8 Geo. I. c. 7, was expressly continued by the 39 Geo. III. c. 61, (which received the Royal assent June 1st, 1799,) for the term of twenty-one years, and from thence to the end of the then next session of parliament. We do not find that the Act has been further continued, but the office and establishment are kept up. The present weighmaster stated to us that he was appointed in 1819, being then a member of the common council; that he was appointed by the corporation on the conditions that he should perform the duties of weighmaster at the crane, and take a lease of the premises where the crane is situate, at a rent of 100*l.* per annum; that his predecessor paid but 40*l.* a-year, and that one of the candidates for the office, also a member of the common council, offered a rent of 200*l.*; that he was sworn into office before the lord mayor, and did not pay any fee on his appointment, but paid 15*l.* to the town-clerks for the lease.

Weighmaster of the Green Hide Crane.

58. The Masters of the Works are the sheriffs of the preceding year.

Masters of Works.

The other Officers connected with the Pipe-Water Establishment are elected by the lord mayor, aldermen, and commons, in the course described as used on the election of the recorder, marshal, &c.

Officers of the Pipe-Water Establishment.

59. Every Election by the common council, whether annual or otherwise, is made on a petition or beseech to the council from the individual, seeking to obtain, or be continued in the office.

Forms of Election.

It is one of the standing orders of the commons, that no person be admitted to any employment in the city who is not a freeman, except the offices of recorder and town-clerk, and the persons admitted into places to have been free for one whole year at least.

It is also provided by a standing order of 1718, that no person be admitted into any place or employment in the city which requires the consent and approbation of the sheriffs and commons, until he makes oath that he has not given, nor will give, directly or indirectly, any sum of money or other gratuity for said place or employment: this oath to be made before a justice of the peace for the city, in the presence of two of the commons, to be appointed by the sheriffs and commons, and lodged with their clerk to be entered in the journals.

This regulation is not now enforced, and we have it in evidence that, as to one office, that of water-bailiff, one of the present holders of it obtained, by purchase, the retirement of his predecessor.

60. There are three Classes of Freemen; first, those made free of the city at large, without having previously obtained the freedom of any of the guilds; secondly, those admitted in the first instance to the freedom of a guild, and then to that of the city at large; and, lastly, those admitted to the freedom of a guild, but not to the freedom of the city.

Freemen, classes of.

The first and last of these classes, particularly the last, are inconsiderable in number, the great body of the freemen being of the second.

61. Admissions, in the first instance, to the Freedom of the City at large, are granted, as by grace especial, by the aldermen and commons in the general assembly. Freemen so admitted are merely honorary. It is not usual for a person seeking this admission to apply for it directly. The course is for some alderman or member of the commons to mention the name to the town-clerk previously to the meeting of the assembly. The town-clerk inserts it in the abstract prepared by him of the business to be done at the assembly, and also prepares a petition for the admission of the individual, mentioning in it either some particular public services deserving of such a mark of approbation, or, if no such service can be especially referred to, the petition prays that the individual may be admitted "for his loyalty to the King and Constitution." This form of expression is considered as connected with the exclusive political principles so long acted on by the corporation. If the individual proposed is married to the daughter of a freeman, the fact is alluded to in the petition as a reason for his admission; but we do not find that any right to such admission is recognised by the corporation. The proposition may originate either with the board of aldermen or the commons; the resolution to admit must pass both. Each body claims and exercises the power of rejecting at pleasure, and without assigning any reasons. Such admissions to the freedom of the city at large have been few since the passing of the Reform Bill. Previously to that Act they were numerous, and occasionally persons were so admitted in considerable numbers, and very many were non-residents.

Admission of Freemen of City at large.

CORPORATE BODY.

Shortly previous to the Emancipation Act being passed, propositions were made in the commons to admit at one assembly one thousand freemen, the parties proposing them reading the list of the names from the newspapers of the day; but such a proceeding being objected to as irregular, a committee was appointed to select such as it would be eligible to admit, and they selected above two hundred, who were admitted accordingly.

The lord mayor sometimes exercises the privilege of creating a freeman of the city at large, during his year of office, or rather of requesting the assembly to admit an individual named by him. There is in form a petition or beseech for the admission, stating it to be at the request of the lord mayor, which is in general acquiesced in.

Fees. Persons admitted to the freedom of the city at large, pay the following Fees in addition to the stamp duty:—

Town-clerk	£1	6	5
Officer of Commons	5	7	£1 16 7
Clerk of do.	4	7	

Admission of Freemen from the Guilds.

62. Persons who have obtained the Freedom of any of the Guilds are entitled to apply for admission to the freedom of the city at large. For this purpose the applicant lodges in the town-clerk's office a certificate signed by the master, wardens, and clerk of the guild, stating the admission to the guild, and the grounds of it, and his place of abode, occupation, and trade. The certificate from the guild of merchants describes the party as a merchant. The town-clerk then prepares a petition or beseech as from the person seeking to be admitted, which states those facts, and the beseech is laid before the next assembly.

The town-clerk in cases of admission by birth, first ascertains from the freeman's books that the name of the father of the applicant is entered in them, and that such a person has been twenty-one years a freeman. The commons, and board of aldermen, claim respectively to exercise, and have in fact long exercised, the important power of admitting or rejecting at their pleasure those applying from the guilds, whatever be the grounds of their claim, and without assigning any reason for the rejection.

In the year 1886, on a return to a mandamus directed to the corporation to admit a person who had obtained by birth the freedom of a guild, but had been rejected by the board of aldermen, they returned that from time immemorial they had exercised this right, and the Court of King's Bench, on argument, decided that the return was good in law.

The charters of some guilds, hereinafter noticed in the Report on those bodies, contain provisions respecting freedom by apprenticeship, which appear to be compulsory on the corporation, but were not alluded to on the above occasion.

The beseech being read in the commons by the clerk of the commons, it is asked, if any member for the particular guild vouches the applicant as a proper person to be admitted; it is frequently asked if he is in trade. If a member of the guild says "allowed," the question is then put on the beseech whether the applicant shall be admitted; but if no member vouches him, the question is not put, and the beseech stands over, but may be again brought on at a subsequent assembly.

The admission must pass both the common council and board of aldermen.

The entry of admission of a freeman as by service is expressed to be conditional, "if it shall appear by indenture;" and in consequence an inquiry takes place into the facts by a jury of twelve freemen, generally chosen from the members of the commons. The jury are sworn, and the indentures of apprenticeship are produced to them, and the service proved. The facts must be thus ascertained before the person admitted can be sworn in. Indentures of apprenticeship were formerly enrolled in the town-clerk's office, but this is not now required.

Fees. On admissions of freemen previously admitted in any of the guilds, the Fees are the same as those above stated as payable on an original admission to the freedom of the city at large; and a sum of 1*l.* is paid to the corporation by each freeman so admitted from the guild of merchants, and of 1*l.* by each admitted from any of the minor guilds. Those admitted by service pay an additional fine of 2*s.* The further fee of 2*s.* 6*d.* is paid to the town-clerk for a certificate of the admission being granted.

The stamp duty is paid on the admission to the guild, and it is not considered requisite to pay a second stamp duty on admission to the freedom of the city at large. This practice is defended under the following clause in the Schedule to the Irish Stamp Act, 56 Geo. III. c. 56:

"Only one of the foregoing duties to be payable in respect of the admission of any one person into the same corporation."

Persons admitted free of a guild, and rejected by the board of aldermen or common council on applying for admission to the city at large, cannot in the greater number of the guilds complete their admission thereto, by taking the oaths required in the guild. This practice was stated to us to have originated in a mandate signed by the lord mayor, and made an order of the assembly in the year 1675, and sent to the several guilds, requiring them not to swear a free brother until he was first sworn free of the city. The mandate has not been obeyed in the guild of merchants, but, with few exceptions, which will be noticed in the Report on the Guilds, it is still obeyed by the minor guilds. The rule of those guilds, who observe it, is not to swear in a freeman until he produces a certificate from the town-clerk, of his having been admitted and sworn a freeman of the city at large. In the guild of merchants, and other guilds which do not obey the mandate, freemen may be sworn immediately on admission.

We have not found that the amount of the fees has tended to lessen the number of applicants for the freedom of the city, but it has occurred, that many of those admitted have

not come forward to take the oaths and pay the fees for a considerable time, until an election for representatives in parliament made it of sufficient importance to have their admissions completed.

The town-clerks occasionally give indulgence to the freemen of the minor guilds, and sometimes have given up the fees altogether, but generally they require the fees to be lodged with the certificate of admission to the guild, and do not return the amount to the applicant, though refused admission to the city at large, considering themselves entitled to retain it for their trouble in preparing the beseech, &c.

63. In Numbers the Freemen bear a very small proportion to the population of the city, a fact sufficiently accounted for by the discretionary power of rejection assumed by the board of aldermen and common council, as already noticed, and the exclusive religious and political principles on which those bodies and the guilds have hitherto acted.

Since the year 1793, the freedom of the corporation and guilds has been by law open to Roman Catholics, yet there is not known to have been, to the present time, a single individual of that persuasion admitted by the common council. The clerk of the commons, who has held that situation for many years, could only inform us, that he had heard of one who had passed inadvertently upwards of thirty years ago. In the guilds a similar system generally prevails, and even where a more liberal practice has existed, the experiment was defeated by the exercise of the discretionary power of rejection in the board of aldermen and commons.

The exclusion is not confined to Roman Catholics. The being known or suspected to be friendly to their claims, previously to the Emancipation Act, was equally effective to disqualify the applicant, though a Protestant; and the advocacy of what are called liberal or popular principles has formed, and still forms, a strong ground of objection. In short, the proceedings of the corporation as to the admission of freemen have been, and are, avowedly, conducted on the most extreme principles of exclusion, religious and political.

The freedom is consequently limited to a class which, though considerable in numbers and property, excludes a large proportion of the most wealthy and respectable gentry, and a majority of the trading and industrious members of the community. In our notices of the respective guilds, it will be found how little, from the same cause, the mercantile and operative classes really participate in the freedom of these bodies.

It is stated that many of the freemen, especially of the minor guilds, are not householders, but we had no means of ascertaining the numbers of those so circumstanced.

By many, and we presume conscientiously, the exclusion of Roman Catholics is defended and justified, by the language of the oath taken by freemen on admission, part of which is, that they shall take no apprentice unless he be free born. This oath appears to be very ancient; we could not ascertain the date of it.

Whatever opinion may be formed of the soundness of this interpretation, it is to be regretted, that a form should be in use which can thus be made the excuse, or the pretence, for the continuance of an exclusion the Legislature has so long condemned.

64. The board of aldermen and the commons form the Governing Body of the corporation. They assemble at the same times, but sit in separate chambers, except on the decision of petitions against the return of members to the commons, as already noticed.

The lord mayor presides at the Board of Aldermen, but has only a casting vote. He and at least eight of the aldermen must be present to constitute a quorum; this is the number stated in the New Rules. The only Acts which we have found it in the power of the board of aldermen to perform, without the concurrence of the commons, are the elections of the city treasurer and coroners. We have already alluded to this and to the functions of the board of aldermen and commons in the elections of the other officers of the corporation. Questions arising in the board are decided by open division. Their meetings are private.

The sheriffs, or one of them, preside at all meetings of the Commons. The two sheriffs have but one casting vote, which (as they divide their official duty, by each taking it for a quarter of a year in rotation), devolves in practice on the acting sheriff for the quarter. Questions on which a division is sought are decided by ballot, which any member has the power to call for. It is requisite that one or both of the sheriffs and forty of the commons should be present to constitute a house. Their meetings are public, and strangers are admitted to a gallery called the freeman's gallery, the admission to which is not confined to freemen. It is considered that the admission of strangers is allowed by courtesy, and that the commons can order the gallery to be closed, but we have not been informed of any instance in which this has been done.

With the single exception we have noticed, all corporate Acts in the election of officers, admission of freemen, the management of the city revenues and estates, the making bye-laws, and every other matter relating to the concerns of the corporation, must pass both the board of aldermen and the commons.

65. The following detail of the Course of Business preparatory to and at the Assemblies, will show the corporate functions and powers of each member of the governing body. There are four regular assemblies of the governing body in each year; these are called quarter assemblies, and named from the seasons at which they are held: they are

The Christmas,
The Easter,
The Midsummer, and
The Michaelmas Assembly.

CORPORATE BODY.

Numbers and condition of the Freemen.

No Roman Catholics admitted.

Governing Body.

Board of Aldermen.

Commons.

Assemblies and Course of Business.

CORPORATE BODY.

There are occasionally adjournments of these assemblies, and post assemblies are sometimes called by the lord mayor for particular business: he may call a post assembly by his own authority, but more usually does so on a requisition signed by at least forty members of both houses or of the commons. It is considered, however, as the law of the corporation, that the lord mayor may refuse to comply with such a requisition.

Abstract.

66. Previously to each quarter assembly the town-clerks prepare an Abstract of the business which is expected to come before the meeting. The board of aldermen are summoned by the town-clerks to meet on the day before that fixed for the assembly, when the abstract is laid before them. The attendance of aldermen at this preliminary meeting has latterly been very inconsiderable. No previous notice of the abstract is given officially to the members of the commons: on the day of assembly, copies of the abstract are laid before the board of aldermen and the commons, and regularly no other business can be done by either of these bodies at that assembly, without the leave of both houses given to its being inserted in the abstract; but latterly the commons have committed deviations from this arrangement or regulation, by passing resolutions not previously noticed in the abstract, and such deviations have been acquiesced in by the board. Nothing mentioned in the abstract can be brought before the commons unless passed first by the board of aldermen, and sent down to the commons for their concurrence. The commons or lower house may, however, originate a resolution not noticed in the abstract, and send it to the board. The lower house sometimes inquires of the board why matters mentioned in the abstract have not been sent down for their approval; but the board is not bound to assign any reasons for the omission, or for having rejected any particular proposition noticed in the abstract. Conferences are sometimes held between the board of aldermen and commons during the sittings of these assemblies: these are private; no corporate Act can be passed at them.

The direct power of the board of aldermen is considerable, they having in fact the first selection of individuals for all corporate offices except that of sheriff, and a negative control over all the proceedings of the assembly. It is stated that their influence in the commons is not now considerable.

How dissolved.

67. The lord mayor has the power of dissolving the Assembly, which he generally does, on the business of the day being disposed of, by going with one or two of the aldermen to the chamber in which the commons are assembled, and declaring it dissolved.

It is thought by some, that it is essential to the exercise of this power that the lord mayor should actually enter the chamber of the commons; and attempts have in consequence been made by that body occasionally to evade his authority, by keeping their doors closed. An instance of this occurred very recently, and several of the commons, with one of the sheriffs, actually remained in the commons' room two days and nights successively, in resistance to the authority of the lord mayor, who had declared the assembly dissolved. It was found on investigation that the attempt was not made in a way to raise the question sought to be agitated as to the independence of the commons, a sufficient number to constitute a house not having continued in their chamber on the first night.

Adjourned assemblies are sometimes held, and it has been found convenient to resort to the expedient of counting the house to terminate them.

Post Assemblies.

68. At the general quarter assemblies either house may originate a matter not noticed in the abstract, but at Post Assemblies the business is confined to that for which they have been called, and which is stated in the notice of the meeting served on each member.

Acts of Assembly.

69. The Acts of each Assembly are engrossed on parchment by the town-clerks, and at the next succeeding assembly are compared by the two junior aldermen with the original documents. They are then signed by the lord mayor and at least eight of the aldermen, and deposited by the town-clerks among the records of the corporation.

Committees.

70. The detail of the business of the corporation is performed in the intervals of the assemblies by several Committees, consisting of members of the board of aldermen and commons. The principal are standing committees, appointed, after each triennial election, for three years. The lord mayor, sheriffs, treasurer, and masters of the works, are *ex-officio* members of all the committees. The lord mayor appoints the aldermen who are to be members of each committee, and the commons elect by ballot those of their members who are to be associated with the aldermen; they generally elect for each committee double the number of aldermen appointed to it, and the members from the commons in each committee consist of a majority of the sheriffs' peers and representatives of the guild of merchants. The same individual may be a member of several committees. The pipe-water committee is the largest, and is composed of the lord mayor and sheriffs, the treasurer, the masters of the works and aldermen, and eighteen of the common council. The other standing committees are the

Committee for inspecting City Leases near expiring,
Finance,
For Conducting City Law Business,
For Examining Treasurer's Bills,
For Inspecting the management of Tolls and Customs,
For Letting the Beams and Scales,
For Inquiring into the Duties of Inferior Officers,
For Tontine,
For Conducting the City Business in Parliament,
For Care of the Furniture in the Mansion House.

There are also temporary committees appointed for special purposes. The aldermen and commons do not receive any emolument for attendance at the assemblies or on committees.

CORPORATE BODY.

71. The Lord Mayor is the chief officer of the corporation. He presides at all assemblies of the board of aldermen, and is chairman of all committees of the common council.

He is civil and military governor, and chief magistrate of the city, but performs very few of the ordinary duties of a justice of the peace, except in cases of public riot and disturbance. He scarcely ever takes informations to be returned to the sessions or commissions, this duty being wholly performed by the magistrates of police in their respective divisions, and by the aldermen; he holds however in his magisterial character the court called the Lord Mayor's Court. As chief magistrate he is bound under the statute 2 Geo. I. c. 5, s. 3, on the breaking out of fires in the city, to repair to the place with his badge of office, and assist in the extinguishment of the fire, the prevention of theft, and the removal of goods.

The lord mayor is a justice of the peace for the county of the city; and also, by the statute 33 Geo. II. c. 16, s. 18, for the liberties thereto adjoining; but the same section of this Act provides, that nothing therein contained shall be construed to enable him to sit or act as a justice of the peace at any sessions to be held for the county of Dublin.

As a justice of the peace the lord mayor presides at the City Quarter Sessions, of which, by the 19th section of the 33 Geo. II. c. 16, the lord mayor, or the recorder, with two justices of the peace, are a quorum. The lord mayor always attends on the first day of the Quarter Sessions to open the sittings in form; but scarcely ever appears on the bench on any other occasion.

In all commissions of Oyer and Terminer and general gaol delivery, issued for the county of the city, the lord mayor is named a commissioner with the judges. The only duty he performs in this character is that of sitting on the bench at the opening of the commission.

He is chief judge of the lord mayor and sheriff's court.

He grants certificates to bakers, and to beer and spirit dealers when about to apply for licences; he also issues half-yearly warrants to the collectors of the Grand Jury Cess, in the respective parishes of the county of the city: this he appears to do merely on the application of the treasurer, and ministerially, without exercising any discretion, or having any power of investigation.

He exercises a power of licensing all exhibitions and places of theatrical amusement save the theatre royal; and this jurisdiction is claimed over exhibitions at the annual fair of Donnybrook, which is held within the county of the city.

He is by charter clerk of the markets, and has the assay of weights and measures within the city, and the custody of the standard weights and measures; some of the duties attached to this branch of his functions are performed by the deputy clerks of the markets, and will be stated in our account of those officers.

The lord mayor exercises in person the power of entering all shops and warehouses within the city, and examining the weights and measures therein. If he finds them either unsealed, unstamped, or not according to the regulated standard, he seizes and condemns them, and imposes a small fine on the owner, which is generally paid immediately to the deputy clerks of the market, who attend him, and take possession of the condemned weights and measures. As clerk of the market, the lord mayor, accompanied by his deputies and staff-men, visits and inspects the markets frequently, and exercises jurisdiction in them. The objects of his inspection are the state of the markets as to cleanliness, the weights and measures used therein, and the condition of the provisions exposed for sale, which, if not of wholesome quality, he seizes and condemns on the spot as unfit for use. He also claims the power of removing the markets from one part of the city to another; and some lord mayors have not long since exercised this power in the instances of the pig and fish markets. In the case of the pig market, several persons in the trade being of opinion that the removal was effected not with a view to the interests of the public, but in order to benefit the owners of the new market, which was private property, resisted the change, and very considerable disorder and tumult took place, attended with great injury to trade. Two actions were brought against the then lord mayor, in one of which a verdict was had against him, and in the other for him. The costs and damages have been lately paid by the corporation, to the amount of 364*l.* 8*s.* 3*d.* The corporation assert that the right in question was decided in their favour. The result, however, has been, that the pig market is now held in the old situation, adjoining Smithfield.

The lord mayor has also the regulation of the assize of bread within the city. This was first given by the statute 1 Geo. II. c. 16, a temporary Act, continued and amended by several other statutes from time to time, but finally repealed by the local statute 45 Geo. III. Loc. & Pers. cap. cvi. under which the assize is now struck.

The lord mayor enforces the observance of the assize as to weight, quality, and price, by examining the bread in bakers' and other shops, seizing and condemning such as he finds to be under weight, or of inferior quality. The forfeited bread is occasionally given to different charitable institutions, and sometimes distributed at the Mansion House, where it appears that the staff-men of the lord mayor frequently get a considerable share.

The lord mayor is, under the charter of Edward VI., Admiral of the port of Dublin. We do not find that there are any functions at the present day annexed to this office. A similar title, and it is no more, is that of Admiral of Baldoye, a small creek near Howth:

M. C. I.

D

FUNCTIONS AND EMOLUMENTS OF OFFICERS.

Lord Mayor, his functions and emoluments.

CORPORATE BODY.

this is stated to be derived from the grant to the city by Henry VIII. of the possessions of the dissolved monastery of Allhallows, the prior of which religious house was made Admiral of Baldoyle, by an Act of the Parliament of Ireland, held at Nass, in the 18th year of Edward IV.

The lord mayor is, *ex officio*, under the statutes and charters of the respective institutions,

- A Member of the Corporation for preserving and improving the Port of Dublin.
- A Commissioner of Wide Streets.
- A Trustee of the Royal Exchange.
- A Governor of the Schools founded by Erasmus Smyth.
- A Governor of the Hibernian Marine Society.
- A Governor of the Hibernian Society for the care of Soldiers' Children.
- A Governor of the Hospital for the relief of poor Lying-in Women.

The lord mayor was under the 13, 14 Geo. III. c. 46, s. 6, made president of the corporation of the poor of the workhouse of the county of the city of Dublin, but the government of this institution was altered by the statute 38 Geo. III. c. 35, and the lord mayor has not, as such, now any authority over it.

Salary.

72. The Salary of the lord mayor, paid directly out of the corporation funds, and fixed by an Act of Assembly, is 1,320*l.* of the late Irish currency; of this sum 800*l.* is charged on the port dues hereinafter noticed, called slippage and anchorage, and of this 800*l.*, 600*l.* is payable to the lord mayor during his year of office, and the remaining 200*l.* secured to him by a deferred warrant, which does not become due for about four years after his serving the office: the deferred warrant has been introduced within a few years past in consequence of the right of the corporation to those dues having been disputed, whereby the collection of them was stopped for about four years, until the right was established by a trial at bar in the Court of King's Bench; during this period the salary of the lord mayor for the time being was reduced by 200*l.* per annum, the remaining 600*l.*, previously payable out of the slippage and anchorage, being provided for by the corporation out of their other revenues. When the fund became again available, the corporation, instead of merely resuming the payment of the additional 200*l.* to the lord mayor for the time being, commenced by paying 200*l.* to the ex-lord mayor who had been the first loser, and so the payment of that sum is continued to each alderman in succession, who had served the office of lord mayor four years previous to the time of payment, and is secured to him in the mean time by the deferred warrant. If the produce of the slippage and anchorage for any year should fall short, so as not to leave a clear 600*l.* for the lord mayor of the current year after payment of the other charges on this fund, the deficiency is made good out of the other revenues of the corporation.

The remainder of the lord mayor's salary, which is 520*l.* of the late Irish currency, is secured by four bonds, payable with 2*½* per cent. interest, at periods so remote, that Alderman Nugent, who served the office of lord mayor in the year 1826, states, that his last bond will not be payable until the year 1838.

The lord mayor is also entitled to what is called capon money, being the reservations in the corporation leases of capons, or a certain sum in lieu thereof, in addition to the fixed pecuniary rent. The city treasurer pays this money to the lord mayor, first deducting from it the rent of the Court of Commerce, being 4*l.* 3*s.* 4*d.* for the following year, being that in which the lord mayor for the current year is to be the president of that court. The capon money varies from about 90*l.* to 115*l.* per annum.

The lord mayor is also paid the sum of 500*l.* of the late Irish currency as chairman of the pipe-water committee; this sum is paid out of the funds of the pipe-water establishment.

The lord mayor usually farms the office of his secretary, and receives generally on account of that office a sum of 300*l.* for the year: the sum for which the office is let, and its receipts, which depend altogether on fees, vary considerably; the highest sum for which it has been stated to us to have been let was 350*l.*

The sources of revenue to the lord mayor in this department are the following fees payable to him, and which, when the office is not farmed, are accounted for to him by the secretary.

1. Fees payable in the Lord Mayor's Court; the nature and amount of them are particularly stated in our account of that court.
- * 2. Fee on affixing the city seal on documents to be used abroad £3 3 0
- * 3. Fees for sealing grand jury warrants, nineteen half-yearly, on each 1 8 6
- * 4. Fee signing baker's certificate 1 1 0
- * 5. Swearing constables, each 0 3 9
- * 6. Annual appointments of clerks of the market, inspector of the hay-market and weighmasters, each 11 16 0
- * 7. Licences for exhibitions, the amount paid for each varies according to the size of the exhibition and price of admission, from 1*l.* to 10*l.*
The total amount of fees paid on exhibitions for the year ending 1st October, 1833, was 18 9 6
- * 8. Certificates for beer and spirit licences, each 0 2 6

The lord mayor is entitled to certain fees in the Lord Mayor and Sheriffs' Court on

* All these fees appear to be claimed by usage; we have not found any statutory authority for them. The fee, No. 2, must be a heavy charge on claimants of small property in the colonies. The fee, No. 7, has been disputed, and in one case was recovered back, by civil bill process, on appeal to the Court of Exchequer.

affidavits to ground attachments and on taking bail: those fees were represented to us as not producing any very considerable sum; they are—

On affidavits	£0	1	6
Bail above 10 <i>l</i>	0	10	0
Doitto under 10 <i>l</i>	0	6	2

The lord mayor, or an alderman deputed by him, and to whom he farms the office, is president of the Court of Conscience for the year succeeding his year of office, and receives the emoluments of that court. These emoluments were represented to us as being usually about 1,500*l* for the year.

The lord mayor also collects for himself, through an officer of the custom-house, a sum of 2*s*. 6*d*. on each coal vessel coming into the port of Dublin.

He also claims and receives a certain quantity of oysters, about 600, from each cargo discharged in the river.

We are unable to refer to any charter or grant authorizing the demand of these dues, for which no special consideration is given by the lord mayor.

These several sources of emolument amount to about 4,000*l*.

The lord mayor has also, for the year, the use of the City Mansion House as his residence, suitably furnished, and is entitled to, or at least allowed, a free admission for himself to the theatre royal, and all other places of public amusement, and also a certain number of free transferable tickets for each night of performance.

The office of lord mayor, chiefly from the expenditure in entertainments, cannot be considered one of profit; the expenses are immediate, and often exceed the amount of the receipts, which come in slowly. The newly-elected lord mayor is always under terms to give, on the 30th of September, the day after he is sworn into office, a public dinner, which is very expensive, and he is besides expected to maintain, throughout the year, considerable hospitality. The whole expense of the office seldom falls short of 4,000*l*, and has often much exceeded that sum.

In addition to the salary, it was formerly usual to grant to each lord mayor, by vote of the assembly, on the expiration of his year of office, a sum of 1,000*l*. This grant has been discontinued for some years, in consequence of the heavy debts incurred by the corporation. The grant was considered a complimentary gift to the lord mayor, which it was in the power of the commons to withhold, if dissatisfied with his conduct while in office; and it was, in fact, withheld for some years from one of the present aldermen, whose political conduct during his mayoralty was not in conformity to the exclusive doctrines of the corporation.

73. The Functions and powers of the Aldermen as members of the common council have been already stated.

Aldermen,
functions of.

The aldermen are justices of the peace for the city, and adjoining liberties, under the 33 Geo. II. c. 16, s. 18, but with the same provisions as stated in reference to the lord mayor and sheriff, against their sitting or acting as justices of the peace at any sessions for the county of Dublin.

They attend as justices at the Court of Quarter Sessions, of which, by the 19th section of the same statute, two justices of the peace, with the lord mayor or recorder, form a quorum. It is consequently considered necessary that, at least, two aldermen should attend to constitute a court, they being the only justices for the county of the city, except the sheriff, lord mayor, recorder, and paid police magistrates. The business of the court has, at times, been considerably delayed from the non-attendance of aldermen; but the sittings, by the present arrangement, being held once in every month, the aldermen have lately adopted a system of rotation, allotting two to each month, by which the duty of attending the court is equally divided among them, and the recorder states that since the system has been adopted the attendance of aldermen has been more punctual.

The aldermen interfere but little in the business before the court; they take no effective part in the trials, except in agreeing with the recorder upon the sentences to be pronounced.

Four of the aldermen are divisional magistrates of the police of the city, under the statute 43 Geo. III. c. 140; their functions and emoluments as such will be stated in the part of this Report relating to the police establishment.

By that Act six of the divisional magistrates of police thereby created were to be aldermen, three to be appointed by the lord lieutenant, and three to be elected by the common council, subject to his approbation. The mode of election pointed out in section 6 of the Act is, that the lord mayor and aldermen, or the usual quorum of them, should return the names of nine aldermen, nominated by them, to the commons, who should elect three of those so returned. By the 5 Geo. IV. c. 102, s. 2, the lord lieutenant was empowered to reduce the number of divisional justices to twelve, of whom four should be aldermen, and two of these to be such aldermen as were originally elected by the corporation; the remaining six justices were to be superseded at two-thirds of their salaries, or attached to the divisional offices as supernumeraries, from whom vacancies should be filled up until the entire number of divisional justices were reduced to twelve, and vacancies are, from time to time, to be supplied by the corporation, whenever occasioned by the death, removal, or resignation of either of the two aldermen originally appointed by them, in case there should not be any aldermen among the supernumerary magistrates; this is now the case.

One of the aldermen attends daily at an office called the Rotation or Crown Office, at the sessions house, and acts there in his magisterial capacity; the hours of attendance are from eleven to four. This duty is divided among the aldermen by a weekly rotation, and those to whom it is inconvenient to attend, depute others in their place; two sometimes attend in

CORPORATED BODY.

cases requiring that number. None of the aldermen, who are police magistrates, attend at this office. The sitting alderman of the week signs the summonses. The cases brought before him are principally informations for assaults and complaints respecting apprentices. In criminal cases he takes the informations, and binds the parties to prosecute. He also, in cases requiring it, binds the parties to keep the peace; apprentices are sometimes committed by him to the house of correction. None of the powers of summary jurisdiction conferred on magistrates by recent statutes are exercised at this office; informations which have been refused at the police office may be, and sometimes are, taken here, and by some this rotation office is said to be beneficial to the public, and a wholesome check on the police offices.

By the 27th section of the Police Act, 48 Geo. III. c. 140, all justices of the peace are prohibited from taking fees for anything done in the execution of their office within the limits of the police district of the metropolis, save at the public offices, "provided always, that nothing herein contained shall extend or be construed to extend to prevent the lord mayor of the City of Dublin, or the president of the Court of Conscience, or of the Crown Office, or the magistrate attending in the Rotation Office for the time being, from receiving such fees as they are by law entitled to."

Fees are accordingly taken by the alderman of the week attending at this office, which are the same as those taken at the police offices;—formerly the entire of these fees was appropriated by the sitting alderman to his own use, and a presentment was made by the quarter sessions grand jury of 150*l.* a year for the clerks of the Rotation Office; that presentment was discontinued when Sir Jonas Green was recorder, he having refused to flat it as not being warranted by law, and since then the alderman of the week allows it out of the fees to a clerk who attends the office. The business of the office has much declined of late years, and the emoluments have been reduced in proportion; the entire receipts are now about 2*l.* each week; they have formerly been so high as 5*l.* A bailiff, appointed by the aldermen, serves the summonses, and executes the process issued from the office.

As to the utility of this office, there appears no reason for supposing that the duties performed at it could not be adequately discharged at the public offices of the police establishment, and the decline of business at the office is some evidence of the general opinion of the public not being in its favour.

Except in occasionally taking affidavits, the aldermen who are not police magistrates do not perform any other functions of justices of the peace.

In the 8 Geo. I. c. 10, s. 3, respecting the Dublin watch, an Act which is long expired, mention is made of aldermen of the wards and deputy aldermen, and much earlier notices of them are contained in the books of the board of aldermen, called Monday Books. These titles, and the divisions of the city into wards, appear to have been connected with the preservation of the peace under the then existing arrangements, which have been long superseded by the more modern Police Acts. There is not any evidence of the aldermen ever having been elected by the wards, and the title of aldermen of wards is now unknown.

Except the trifling receipts of the Rotation Office, the aldermen have not as such any pecuniary emoluments.

All the aldermen are governors of the Blue Coat Hospital; and two of them, elected by the governors of that Hospital, are governors of Erasmus Smith's schools.

Three aldermen, elected by the lord mayor and aldermen, are members of the corporation for preserving and improving the port of Dublin, under the statute 26 Geo. III. c. 19, s. 11.

The following is a list of the present aldermen, shewing the times of their respective elections:—

	Sheriff.	Elected Alderman.
Frederick Darley, Police Magistrate	1797	1800
Sir William Stamer, Bart. ditto	1794	1800
Sir Abraham Bradley King, Bart.	1800	1805
John Claudius Beresford, Esq.	"	1808
Sir Robert Shaw, Bart.	"	1808
Sir Thomas McKenny, Bart., Deputy Lieut. of the City	"	1811
Sir John Kingston James, Bart., City Treasurer, Dep. Lt.	1810	1818
John Smith Fleming, Police Magistrate	"	1816
Rd. Smyth, Esq., Chief Commissioner of Paving.	1813	1817
Thomas Abbott, Esq., Deputy Lieut.	"	1817
Samuel Wilkinson Tyndall, Esq., Police Magistrate	1814	1819
Sir Edmund Nugent, Knt.	1805	1820
Alexander Montgomery, Esq.	1806	1820
Jacob West, Esq.	1812	1821
Sir William Whelan, Knt.	1821	1823
Charles Palmer Archer, Esq.	1814	1823
Sir George Whiteford, Knt.	1820	1824
Arthur Perrin, Esq.	1823	1825
William Dixon, Esq.	1816	1827
Arthur Morrison, Esq., Dep. Lieut.	"	1829
William Hodges, Esq.	1827	1830

* Did not serve in the office of sheriff.

	Sheriff	Elected Alderman,	CORPORATE BODY.
Samuel Warren, Esq.	1824	1830	
George Hoyte, Esq.	1829	1832	
Joseph Lampey, Esq.	1824	1832	
Sir Nicholas William Brady, Knt.	1820	1833	

With few exceptions, the aldermen have residences in Dublin, or the vicinity.

74. The Sheriffs are, under the fourth of the new rules, and by ancient custom, the presidents of the commons, and no valid assembly of that house can be held without one of the sheriffs being present. Sheriffs, functions of.

The presence of a sheriff is also essential to the validity of the acts of the committees of the common council.

The sheriffs appear formerly to have been the receivers of some parts of the rents of the corporate estates; and the second of the New Rules requires that the treasurer, *sheriff*, and all other receivers of any part of the revenues of the city for the time being, shall thereafter, yearly, within six months next after the expiration of one whole year, wherein they shall serve in the execution of their respective offices, render unto the auditors of the city, or the usual quorum of them appointed or to be appointed for that purpose, a true and perfect account of all money (being any part of the revenues of the city) received by them within their respective years of office, and to pay the sum appearing due, to the treasurer, on pain of disfranchisement by the lord mayor and aldermen, or, in their default, by the lord lieutenant, or other chief governor or governors, and council of Ireland, and to be from thenceforth incapable, without their licence, of being restored to their freedom.

The sheriffs, by the 33 Geo. II. c. 16, s. 18, are constituted justices of the peace within the city and adjoining Liberties, with the lord mayor and aldermen, but with the same provision against sitting or acting as justices of the peace at any sessions to be held for the county of Dublin.

Their general functions and powers in the preservation of the peace, and the execution of the process of the superior courts, return of juries, &c., are similar to those of sheriffs of counties at large, but, from their position in the metropolis, much more important and extensive.

They empanel and return the grand juries in the Court of King's Bench, the Commission Court, and Court of Quarter Sessions for the county of the city of Dublin; petty juries in all cases criminal and civil in the superior courts, where the venue is laid in the county of the city; the grand panel for striking special juries; petty juries in the Commission Court, and Court of Quarter Sessions; juries on writs of inquiry; market juries; and juries under the Wide Street, and other special Acts of Parliament for the valuation of houses or grounds to be purchased for local improvements.

They are required, by themselves or their deputies, to give daily attendance in the Court of King's Bench, and the other superior courts of law, the Commission Court, and Court of Quarter Sessions, during their sittings.

They are judges of the City Record Court.

They are the returning officers on elections of Members of Parliament for the county of the city of Dublin.

They execute the precepts of the Wide Streets, Paving, and other local Boards of commissioners for the delivery of possession of houses of which valuations have been made by juries for the purposes of those bodies.

It is their duty also to execute the precept or warrant of the Quarter Sessions Court for the abatement of nuisances.

They are *ex-officio* members of the corporation for preserving and improving the port of Dublin, governors of the Blue Coat Hospital and Lying-in Hospital, trustees of the Royal Exchange, and commissioners for the improvement of St. Stephen's Green.

They appoint a sub-sheriff, who gives them security to the amount of 20,000*l*.

The other Officers acting under the sheriffs, and in their names, but who are generally appointed (at least nominally) by the sub-sheriffs, are Sheriffs' Office, Officers at.

A Chief Clerk,
Returning Officer,
Auctioneer,
Summoner of Juries,
Three principal Bailiffs (who appoint their own assistants).

The sheriffs appoint the keeper of the sheriffs' prison.

It is provided by the statute 29 Geo. II. c. 15, s. 1, that no person or persons shall be admitted into, or take on him, or presume to execute or officiate by himself, or any one in trust for him or his use, the office or duty of an under-sheriff, sheriff's clerk, or county clerk, within the city, county of the city, or county of Dublin, who had, within the space of ten years before his admission therein, executed, officiated, or exercised any of the said offices or duties in the said city, county of the city, or county of Dublin. The penalty of 500*l*. is imposed by the Act on every breach of this enactment; the provisions of which are, however, in substance habitually violated in the sheriffs' office of the city of Dublin. Individuals continue there for years, nominally acting as clerks, but really as under-sheriffs, the ostensible under-sheriff being merely their nominee.

The conduct and management of the sheriffs' office, as ministerial to the superior courts, and in the execution of writs, is committed entirely (save some occasional interference with the returns of the panels of jurors,) to the sub-sheriff or sub-sheriff's clerk; and the high-sheriffs are both virtually and positively excluded from all interference therewith.

CORPORATE BODY

The office of sub-sheriff is of late generally farmed, sometimes to the sub-sheriff, sometimes to a clerk who proposes to the high-sheriff a nominal sub-sheriff, and it has happened, one not previously known to the high-sheriff. The terms of arrangement vary; sometimes a division of the profits into three parts takes place, one-third to each high-sheriff, and one-third to the sub-sheriff. Sometimes a sum certain is secured to the high-sheriffs. In a late instance the arrangement was—first, to defray the actual expenses, then to pay 2,400*l.*, if so much should be received, to the high-sheriffs; the surplus, if any, not exceeding 800*l.*, to be retained by the sub-sheriff; any further surplus to be paid to the high-sheriffs; so that if the profits did not give more than 2,400*l.* above actual expenses, the sub-sheriff could receive nothing. (It is said these terms are generally fixed by deed perused by the recorder.) In this instance the sub-sheriff received about 400*l.* for his own labour.

For the year ending Michaelmas, 1833, the arrangement was made by the high-sheriffs with two gentlemen, one of whom was clerk in the office, and nominal returning officer; the other a former sub-sheriff, and actual returning officer. It was to this effect:—the high-sheriffs to receive 1,500*l.* each, the two clerks, with whom the arrangement was made, the surplus, not exceeding 800*l.*, out of which they were to pay the nominal sub-sheriff 80*l.*, and a friend of his, who assisted in some of the official duties, 20*l.* There was no surplus, nor even 3,000*l.* received, though the auctioneer paid 400*l.* for his appointment, which went to the sheriffs, as part of the receipts of the office for the year; so that the acting sub-sheriffs, who were also the clerk and returning officer, received no emolument or remuneration whatever, but sustained loss of money as well as time and labour. The sub-sheriff was a student in college at the time, without any experience in the office, and with whom the high-sheriff had no previous acquaintance.

On a former occasion, in like manner, the person appointed sub-sheriff was merely nominal, getting 100*l.* from the clerks at whose instance he was named, who negotiated the matter, and were the actual and real possessors of the office, and divided the surplus produce of the office, (that year 1,000*l.* above the high-sheriff's share, which was 3,000*l.*)

One result of such arrangements is, that the important duties and powers of this high office—amongst others, the execution and return of all writs, the selection of jurors, and formation and return of panels, devolve upon, and are actually and almost exclusively conducted and executed by, mere clerks, irresponsible and unknown to the law; for it is expressly admitted, (and on this entire matter our Report is mainly, if not altogether, founded on the evidence of the high-sheriffs themselves and of the clerks), that the high-sheriffs conceive they cannot, with safety to their bargain, interfere at all in the performance or exercise of those duties or authorities, and also that the sub-sheriff is a mere nominal officer, without experience, who attends only where his presence is necessary in point of form. It is in evidence before us, that the sub-sheriff signs the official warrants in blank, and leaves them in the office to be filled up under the direction of the clerks.

In those unrecognised, irresponsible clerks are deposited also the selection and nomination of all the inferior officers connected with the office, to whom the execution of writs is actually intrusted. It appears on the same evidence that the bailiffs defray a considerable proportion of, if not all, the rent of the sheriffs' office; and the auctioneer pays a rent or sum of from 200*l.* to 400*l.* per annum for his office, and has been permitted to charge, or rather sustained and countenanced in charging, 5 per cent. on the amount of all sales, above the legal fees defined by statute, and payable to the sheriff. Sometimes the sheriffs hire the auctioneer at a stipulated salary, yet charge the debtor 5 per cent. as for auction fees. Sometimes the arrangement between the sheriff and auctioneer is, that they shall divide this 5 per cent. so illegally charged, and which is extorted by all the formidable powers the officer of the law possesses over the debtor under execution. The consequences are not merely calamitous to the distressed debtor—they not unfrequently appear in obstacles to the fair creditor—in the difficulty of levy from a wealthy defendant, or in the face of a friendly execution.

We have had in evidence cases of considerable hardship, arising out of the misconduct of the auctioneer, with whom the sub-sheriff or clerk (as they declared) considered he could not decisively interfere, without endangering the rent of the office, even in cases where he disapproved of his demand, nor the high-sheriff, with safety to his stipulated sum and indemnity deed.

The policy, if not the strict letter of the statute 12 Geo. I. c. 4, s. 7, which prohibits sheriffs from letting their offices to farm, is thus violated in all the arrangements of the sheriffs' office of Dublin; and a direct motive and interest are created in the officials by whom the actual business is performed, to make their bargain profitable by the exaction and levy of fees.

Fees &c.

The following is a list of the Fees demanded in this office, as returned to us:—

* On amount levied under a Writ of Fieri Facias for the first 100*l.* one shilling in the pound, and for every pound over 100*l.* sixpence. The like fees on the sum marked at the foot of a Writ of Capias ad Satisfaciendum—when executed.

	£.	s.	d.
For executing a Writ of Habere Facias Possessionem	2	6	2
On a Writ of Inquiry of Damages	1	11	6
For taking Bail on a marked Writ and Discharge	2	10	0
For executing a Writ of Replevin, taking Bail, Warrant, &c.	2	10	0
For discharging a Defendant under a marked Writ	0	10	1
For executing a Writ of Habeas Corpus	0	3	4

	£.	s.	d.
For serving a Defendant with a Summons under a Writ of Scire Facias	0	3	4
For every Nil on ditto.	0	1	0
For proclaiming under a Writ of Outlawry, Affidavit, &c.	1	0	0
For a Warrant on a marked Writ.	0	2	4
For a Search for Pl. Fa.'s	0	3	4
For Panel to Writ of Venue Facias	0	2	6
Ditto to Distringas Juratores, and summoning Jury	0	3	4
For a Grand Panel to strike a Special Jury	3	3	0
Special Distringas on ditto	0	6	8
Takes	0	3	4
Search for Detainers against a Defendant in Custody	0	3	4
For summoning a Peer or Member of Parliament	0	3	4
For signing Warrant, on Civil Bill Decees	0	1	0
Ditto for Habere under ditto court	0	1	0

The fees on writs of execution in the above table are those given to sheriffs by the statute 6 Anne c. 7, s. 3, which expressly limits the sheriff's demand of this rate of poundage on writs of *Fieri Facias* to the amount which the goods taken in execution shall be valued at, or amount unto, and as he shall levy and pay over to the plaintiff.

In practice the payment of this poundage, and of the other fees of the office on writs of execution, is not confined to cases of actual sales. The debtor sometimes compromises the debt with the plaintiff, sometimes gains time, or procures the entire withdrawal of the execution. Plaintiffs also, in the expectation of such compromises, or from friendly motives towards the debtor, often direct the sale to be postponed; but, in these cases, it seems to be the understanding and practice of the office, that the sheriff's concurrence in the arrangement is not to deprive them of the fees; and actual payment of the fees and poundage, on the full amount of the sum marked in the writ, is accordingly required, in the first instance, to prevent their making an immediate sale, even against the wishes of both parties, and without any reference to the ultimate result of the proceedings, or the value of the goods seized. The auctioneer's fees have also been exacted on such occasions by that person, under threats of an immediate sale; although the demand of such fees, in any case, appears to be a violation of the provisions of the statute above referred to, the poundage thereby given being, we apprehend, intended to remunerate the sheriffs for all the expenses of the levy. The court of exchequer, in a late instance, the details of which were laid before us, awarded restitution with costs, of auctioneer's fees, very oppressively extorted in this way, in a case in which the writ was ultimately withdrawn; and after a distinct intimation from the sheriffs' office to the auctioneer, that the plaintiff's attorney had desired nothing to be done harshly or immediately, but which was accompanied by a statement that the sheriff's fees had been paid, and "to make his (the auctioneer's) as light as he could."

It is complained, by persons whose goods have been sold under executions, that they find difficulty in obtaining from the sheriffs' office accounts of the proceeds and of their disposition. General statements not shewing the particulars of the sheriff's charges are the only documents stated to be furnished, and from which the parties interested have no means of distinguishing the legal fees.

A further fee, in cases of execution, and not specified in the above table, is sometimes demanded, of from 13s. 4d. to 1l. 6s. 8d. This is called a lodgment fee, and seems to be demanded chiefly on friendly executions.

A fee of 5l. 5s. is paid to the sheriffs by the commissioners of Wide Streets, for returning each panel of a valuation jury; and a fee of the same amount appears to be paid for returns of juries on commissions of lunacy.

In other respects the above list appears to contain a correct statement of the official fees of the sheriffs' office.

The sheriffs are entitled to some fees on proceedings in the City Record Court, and presentments are made to them by the Court of Quarter Sessions in lieu of fees on prisoners. The amount of presentments to the sheriffs for the year 1833 was 368l. 4s. 10d.

The fees of the Record Court, and the sums presented, are not granted to the sub-sheriff, but are directly received by the high-sheriffs themselves.

We have mentioned the several grand and other juries which are empanelled by the sheriffs. It is necessary here to notice the composition of those juries in detail.

The first and most influential of them is the Grand Jury, usually called the Term Grand Jury, returned to and sworn in the Court of King's Bench every term, for the county of the city of Dublin. This jury, as will be more fully stated in the subsequent part of this Report, relating to the local taxation of the city, possesses and exercises extensive powers and functions in the assessment, levy, and appropriation of a tax called Grand Jury Cess, imposed on the city; and which, in the years 1833 and 1834, amounted to the sums of 29,780l. and 30,528l. Various Acts of Parliament have constituted this body the managers of important public works and establishments, and the electors to many public offices, and confided to them the control over the collection and expenditure of the tax we have mentioned, the selection of the officers and contractors through whom it is to be disbursed, and the audit of their accounts of the expenditure. The powers and patronage of the Term Grand Juries are therefore very considerable, and their due exercise of much interest to the citizens at large.

Juries returned by
1833.

Term Grand Juries.

CORPORATE BODY.

Practically these powers and patronage have long been vested in the members of the corporation. The Term Grand Juries are generally composed of the aldermen and sheriffs' peers and members of the guild of merchants, and other guilds. In the panel of the Term Grand Juries, returned by the sheriffs, the names of the members of the board of aldermen are placed at the head, with the exception of such of them as are police magistrates, or not resident within the county of the city. This reduces the number of aldermen returned to about sixteen. The practice is stated to be to return the names of bank directors alternately with those of sheriffs' peers after the names of the aldermen. The members of the corporation summoned are stated to attend more punctually than other persons. A few Roman Catholics are occasionally returned: an alderman, who stated that he supposed he had served twenty grand juries, said, that he had probably served with three Roman Catholics. Other individuals, not members of the corporation, are also occasionally sworn on these juries; but the great majority (especially in the Easter and Michaelmas terms, which are those in which the public money is presented) has for many years been composed of aldermen and other members of the corporation; and the introduction of other persons is rather remarkable as an exception to the general practice, than as serving in any way to diminish the predominant corporate influence. The evidence given before the committee of the House of Commons, on Municipal Corporations in 1833, (in page 245,) shows the prevalence of this system, and the numerous attendance of aldermen and other members of the corporation on those juries.

The composition of this jury, thus selected from the leading members of an exclusive political body, has long been the subject of much jealousy, and, in our opinion, well-founded complaint, on the part of a large portion of the citizens of Dublin.

Quarter Sessions
Grand Juries.

The Quarter Sessions Grand Jury also possesses powers of presenting, for certain purposes, sums to be defrayed by the Grand Jury Cess. The objects of their presentations are limited, and the sums presented are about 3,400*l.* in the year. A sheriffs' peer is usually the foreman of the jury. Of late years, it does not present any very uniform or marked distinction in the number of jurors belonging to the corporation; but of 183 persons, who appear to have composed fourteen quarter sessions grand juries, it has been stated that only eight were Roman Catholics.

Special Juries.

The arrangement of the grand panel of freemen, freeholders, &c. from which special juries are struck in the superior courts, is deserving of peculiar notice, in relation to the functions of the sheriffs, as connected with the administration of justice on the most important occasions. It is calculated to preserve a predominant influence in the party to which the corporation is attached, in the selection of jurors on political trials. This subject was brought before the committee of the House of Commons on Municipal Corporations in 1833, on whose Report the present Commission was issued, and much evidence relating to it will be found in the printed minutes of the evidence given before that committee. The aldermen and sheriffs' peers appear by custom to be considered as holding stations entitling them to precedence in the panel, although, except the limited amount of qualification required from the sheriffs (the mode of ascertaining which is, as we have seen, not always practically enforced), the possession of these offices does not necessarily imply any paramount title on the ground of property to this position. In the panel of 1833, upwards of 100 names occur, including those of all the aldermen and sheriffs' peers, before that of a Roman Catholic likely to attend, if selected. The entire numbers on that panel are 714, and of the whole only about seventy-nine are Roman Catholics. From the mode of striking the juries, it is alleged, and appears probable, that a jury may be entirely composed of the foremost names on the panel, to the consequent exclusion of any, save members of the corporation and individuals of the same political party. Their observation of the juries sworn under this system on political or party trials, combined with the strong exclusive and anti-catholic opinions avowed and acted on by the corporation, put forward by the candidates for the office of sheriff in the pledges required from them by that body, and afterwards observed by those officers in their civic entertainments, have naturally produced in a numerous class of the citizens a deep-rooted feeling, that the exercise of this important branch of the functions of the sheriffs is on such occasions affected, if not guided, by their known or suspected political partialities. This want of confidence in the impartiality of these officers has been strongly expressed in evidence before us. Without imputing to individuals a deviation from what they conscientiously believe to be their proper line of duty, it may we think be safely asserted, that circumstances place the sheriffs appointed by the corporation in a position unfavourable to the observance of that impartial and independent conduct, which ought to be preserved by all concerned in any branch of the administration of justice. The political qualifications which are understood to be the best recommendation to the office, imply the adoption of the opinions and the support of the ascendancy of a party. Deriving their office from the corporation, and often looking to it for future advancement in corporate dignity, the sheriffs cannot, in ordinary cases, be expected to adopt any changes in the system of empanelling and returning jurors, which would tend to diminish the influence of the body at large, or of its members—an influence in which as sheriffs' peers they thenceforward expect to share. In a recent instance, where one of the high-sheriffs properly departed from the accustomed course of summoning Valuation Juries, by introducing in fair proportions the names of individuals not members of the corporation, he stated to us, that his conduct in doing so was complained of by corporators, who seemed to consider it a matter of right in the members of the corporation to be summoned on those juries. The constitution of the corporate body precludes the prospect of any very important spontaneous change taking place in its character, which would render it less objectionable to the large population

now excluded from it. The position of the sheriffs is dependent on the body, by whom they have been elected, and may be further promoted. A legislative reform of the corporation itself, or alteration of the mode of electing these important functionaries, seems to us essential to give to the administration of justice in the metropolis that entire public confidence with which it should be attended in every well-regulated community.

The Valuation Juries are paid by the board to whom they are returned at the rate of a guinea a day to each juror. This arrangement was made some years back, and the consequence appears to be that these juries have been usually composed of members of the corporation. We have above alluded to the change made on a late occasion by one of the sheriffs. This gentleman stated to us that the original panel of that jury, furnished to him from the acting sub-sheriff, was composed exclusively of corporators, and that the sub-sheriff claimed the right of returning these juries, the object of which he supposed to be, to obtain patronage.

Valuation Juries.

The conduct of the sheriffs' office in relation to the return of petty jurors, on trials by Nisi Prius in the superior courts, is regulated by the 40 Geo. III. c. 72, which, reciting that the county of the city of Dublin contained many persons qualified to serve as jurors, but from the carelessness and misconduct of the sheriffs, under-sheriff, coroner, or other officer, to whom the summoning and returning of jurors usually belonged, the burthen of serving upon juries fell upon a few, to their great grievance and oppression, enacted "that no person should be summoned and returned to serve on any jury or juries in more than one of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, during the same term, or the respective sittings after term of the said courts,"—and that no sheriff, &c. should summon or return any person who had served as a juror in the Court of King's Bench, &c. for the space of two terms after such service.

Petty Juries.

We have not had any complaints by individuals of the violation of these provisions by the sheriffs, but there are a few persons who it is stated are anxious to attend on these juries, and are frequently on them, it is believed, from a view to the small fee paid to the jurors. Their punctuality of attendance is assigned as the reason for their being summoned, and it is admitted that in respect to them the statute is not observed. The class of jurors returned on these panels has been improved of late years.

In the evidence given before the Commissioners of Inquiry into the Fees and Emoluments of Courts of Justice, and published in their 15th Report in the year 1826, (pp. 61, 64, and 483 to 533,) we find a case of the direct packing a jury for a criminal trial, at the Court of Quarter Sessions, at the instance of one of the parties. No evidence has been laid before us of any similar abuse in that or any of the other courts to which jurors are returned by the sheriffs of the city, and the return of grand and petty jurors to the Commission Court and petty and market jurors to the Court of Quarter Sessions on ordinary occasions does not present any peculiar grounds of observation.

The mode of summoning jurors on writs of inquiry is highly objectionable. This duty is left to the bailiffs of the sheriffs' office, who are sent out without any list or panel to summon whom they please for the occasion.

The emoluments of each sheriff from the fees of the office may be estimated at from £300. to £500. per annum. A small proportion of the slippage and anchorage dues, mentioned in our account of the office of lord mayor, is paid to the sheriffs—it seldom exceeds £25. to the two sheriffs.

Emoluments.

The disbursements of the sheriffs' office are stated to be about 800*l.* in payment of clerks, &c. The summoner of juries is paid 80*l.* per annum. The bailiffs do not receive any salary or allowance from the sheriff, they are paid for their services by the attorneys who employ them in the execution of process. They give security to the sheriffs in 2,000*l.*

The expenditure made by the sheriffs during their year of office is considerable. They keep handsome equipages, and are expected to give a series of civic entertainments to the aldermen and other members of the common council, the city officers and other persons connected with the corporation. These expenses generally amount to, and sometimes exceed the sheriffs' receipts from the office.

75. The members of the commons have not, as such, individually any functions or emoluments.

Common Council men, functions of.

The sheriffs' peers are alone eligible to the office of alderman, and they are governors of the Blue Coat Hospital.

By the Dublin Police Act, 48 Geo. III. c. 140, already noticed, six of the divisional magistrates are to be sheriffs' peers, three to be appointed by the lord lieutenant, and three elected by the common council. The number has been reduced to four by the 5 Geo. IV. c. 102. The provisions for their election, and for supplying vacancies among them, are precisely the same as those stated in reference to the aldermen, as police magistrates, in our account of those officers. At the time of our inquiry there was one supernumerary sheriff's peer, John Tudor, Esq., attached to the head office of police; but this gentleman has been since appointed to another divisional office, in the room of Sir Garrett Neville, deceased.

The following is a list of the present sheriffs' peers:—

	Elected Sheriff.
John Semple	1802
James Blacker (Police Magistrate)	1804
Montford J. Hay	1804
John Tudor (Police Magistrate)	1804
Henry Charles Sizer (Police Magistrate)	"
Richard Manders	"

* Did not serve in the office.

CORPORATE BODY.

	Elected Sheriff.
Leonard Ogilvy	*
Hickman Kearney (Commissioner of Paving)	*
John George	1807
Sir Edward Stanley, Knt. (Local Inspector of Prisons)	1808
Brent Neville	1809
George Studdart (Police Magistrate)	1811
William Long	1817
Robert White	1818
William Wood (Keeper of the Sheriff's Prison)	1818
George Newcombe	1819
Charles Thorpe	1822
John Lloyd	*
Samuel Lamprey	1823
James Moore	1825
John Alley	1825
Sir Thomas Charles Yates, Knt.	1826
Henry Bunn	1826
Sir David Roose, Knt.	1827
Pomsonby Shaw	1828
Patrick Flood	1828
William Scott	1829
John Mallet	1830
George Halahan	1830
John Kenting Taylor	1831
Sir George Preston, Knt.	1832
Sir William Wainwright Lyser, Knt.	1832
Sir Drury Jones Dickinson, Knt.	1833
Sir Richard Baker, Knt.	1833

Recorder, his
functions.

76. The Recorder is, by the charters of Richard III. and 17 Charles II., a justice of Oyer and Terminer and general gaol delivery, and a justice of peace within the city. He is also, by the 18th section of the 53 Geo. II. c. 16, a justice of the peace for the liberties thereto adjoining.

The 19th section of the same Act constitutes the lord mayor, or recorder, with two justices of the peace, a quorum of the city Quarter Sessions. In practice, the recorder is the acting president of the court; the lord mayor only attending to open it, as already stated. According to the 39 Geo. III. c. 55, s. 4, no trial can be proceeded upon, except in the presence of the recorder, or his sufficient deputy, being a barrister of six years' standing. Save as a member of this court, the recorder does not transact any magisterial business.

Although, by the charter above mentioned, the recorder is named a justice of Oyer and Terminer and general gaol delivery, and from his judicial character, habits, and experience in the Court of Quarter Sessions, would seem a more eligible officer to be joined in commission with the judges than the lord mayor, yet he never is so associated.

By the 31 Geo. II. c. 16, the recorder is empowered to hold a Civil Bill Court twice in the year, "to hear and determine in a summary way, by English bill or paper petition, all disputes and differences between party and party, arising within the liberties and jurisdiction of the city, for any sum above forty shillings, and not exceeding twenty pounds (of the late Irish currency), in all actions of debt on any bond, bill, or specialty for payment of money only, and in actions on the case, on any promissory note or bill of exchange, or for any sum above forty shillings, and not exceeding ten pounds, in all actions on the case in assumpsit, in simul computasset, trover, conversion, quantum meruit, and detinue." By the 38 Geo. III. c. 25, s. 7, the recorder is required to hold this court four times in the year, as nearly as may be conveniently at equal distances from each other, to be fixed by him.

The recorder acts as assessor of the civil court of the corporation, called the Lord Mayor and Sheriff's Court.

He is the legal adviser of the corporation, and attends the meetings of the lord mayor and aldermen and the assemblies of both houses, on occasions of the trial of election petitions, but he has not any vote, and can only interfere in the proceedings when called on for his opinion.

By the 21st section of the 5 Geo. IV. c. 102, the rules and regulations of the divisional justices of the castle division of the police district of Dublin metropolis, with respect to the stations and conduct of the drivers of carriages plying for hire to or from the city, must be sanctioned and approved of by the recorder.

The present recorder, Frederick Shaw, Esq. was elected in March, 1828, and has since personally attended to the duties of the office, except on one occasion, when prevented by illness. He has, since his appointment, declined practising generally as a barrister, and does not go circuit.

We have noticed, in our account of the election of this officer, the particular restrictions imposed on him by statute as to professional practice.

According to the present arrangements of the respective courts, the public duties of the recorder are as follows:—

The general Quarter Sessions are held in the months of January, April, July, and October (the periods for the year 1835 are the 13th January, 28th April, 14th July, and

In the Court of,
Quarter Sessions.

(8th October). Between each of these sessions two adjourned sessions are held, so that the court sits twelve times in the year. At each general session, all criminal cases, whether the defendants are in custody or on bail, and appeal cases are disposed of, and these sessions, when commenced so late as the 14th or 15th, sometimes continue to near the end of the month. The adjournments are fixed by the recorder, who states that he, as nearly as possible, divides the interval between the last day of the sittings and the next general quarter sessions' day. At the adjourned sessions no business is done, save the trial of custody cases: they last about a week.

The Civil Bill Court is held in the same months, of January, April, July, and October, on the 50th of each month. Should the business of the Court of Quarter Sessions continue to those days, its sittings are suspended for the purpose of holding the Civil Bill Court, and again resumed when the business of that court is disposed of, which generally occupies two or three days.

In the Civil Bill Court.

The Lord Mayor and Sheriffs' Court sits only four times in the year, on the Thursday after the first day of each general quarter sessions. The business is not enough, generally speaking, to occupy the day of sitting.

In the Lord Mayor and Sheriffs' Court.

The quarter assemblies of the common council, at which the recorder attends, are also held in the months of January, April, July, and October, shortly after the days of opening the quarter sessions.

The times therefore for which, according to these arrangements, the presence of the recorder is required, amount in the whole to about four months in the year.

The recorder receives from the corporation an annual salary, which, since the year 1818, has been fixed at 400*l.* of the late Irish currency. The recorder's salary previously was 300*l.*, to which it had been raised from 350*l.* He is also paid a small sum out of the disbursements, amounting to about 26*l.* per annum. A fee of 2*s.* 2*d.* is paid to him on all corporation leases, and he is paid fees on cases submitted to his opinion by the corporation. He sits with and advises the lord mayor and aldermen at their meetings, without special remuneration; but, when sitting with the common council on the trial of election petitions, is paid 10*s.* 10*d.* a day.

Emoluments.

He does not receive any fees or emolument from the Lord Mayor and Sheriffs' Court.

He receives the fees regulated by statute in the Civil Bill Court.

The average yearly receipts of the office from fees were stated to us by the recorder to be about 110*l.*

The principal part of the recorder's income is paid under the Police Acts, 48 Geo. III. c. 140, and 5 Geo. IV. c. 102. By the 59th section of the former Act, which recites that, by the provisions of that Act, the duties of the recorder would be considerably increased, and that his salary would be inadequate to the trouble and importance of his office, the lord lieutenant was empowered to direct the yearly sum of 1,000*l.* to be paid out of the funds applicable to the expenses of the police establishment to the recorder in augmentation of his salary. And by the 37th section of 5 Geo. IV. c. 102, (which, as already stated, prohibits the recorder from practising as counsel in any criminal or civil court within the police district of the metropolis,) the lord lieutenant is empowered to direct an additional yearly sum not exceeding 600*l.* to be paid to him out of the same fund.

The recorder, under these Acts, is paid the yearly salary of 1,600*l.* of the late Irish currency, being 1,476*l.* 18*s.* 6*d.* of the imperial currency.

His income from these several sources may be stated at 1,980*l.* per annum.

The recorder is, *ex officio*, a governor of Erasmus Smith's schools, and a commissioner for putting into execution the acts relative to the Poddle river.

77. The functions of the coroners are those common to such officers in counties at large.

Coroners' functions, and emoluments of.

They are remunerated by presentments of the Term Grand Jury for the county of the city, under the statute 1 Geo. IV. c. 28, ss. 2 and 4. The Grand Jury at each presenting term presenting the full sum of forty guineas, prescribed by section 4, to the two coroners, making forty guineas a year to each. The county of the city of Dublin is expressly excepted from the provisions of the later statutes, 4 Geo. IV. c. 43, and 5 Geo. IV. c. 93.

The statute 33 Geo. III. c. 56, s. 47, empowered the Grand Jury to present such sum as they should think necessary, not exceeding 20*s.*, to be paid to the coroner or coroners for every inquisition taken in a gaol or prison within the county of the city. This power was excepted from the operation of the statute 50 Geo. III. c. 30, but may be considered as impliedly repealed by the 1 Geo. IV. c. 28.

78. The Presidency of the Court of Conscience was, as already stated, incident to the jurisdiction of the lord mayor for the time being, until the enactment of the statute 33 Geo. III. c. 16.

President of the Court of Conscience.

The 15th section of that statute enacted "That the jurisdiction of the Court of Conscience held in the city of Dublin, from time immemorial, before the chief magistrate of the said city, with the assistance of the aldermen, sheriffs, and sheriffs' peers, or some or one of them, for determining causes between party and party, under the value of 40*s.*, be, and the same was thereby established, ratified, and confirmed." By the same section the lord mayor, during his year of office, was exonerated from attending upon this court, and the duty of presiding in it transferred to the alderman who shall have served in the office of lord mayor for the next preceding year, and for the term of one year next after he should have served in that office, with the same power of calling to his assistance the aldermen, sheriffs, and sheriffs' peers, or some one or more of them, as had theretofore been usually done or practised by the chief magistrate of the city. To prevent any interruption in the business of the court from the illness or necessary absence of the president, a subsequent statute, the 11, 12 Geo. III. c. 11, s. 71, empowered the president of the

CORPORATE BODY.

Court of Conscience for the time being, by warrant under his hand and seal, to appoint any one of the aldermen to officiate in his place during his illness or necessary absence. Under colour of this latter enactment the presidents of the Court of Conscience for the time being have, in several late years, let the office to other aldermen to farm. The rent paid on these occasions has been 1,000*l.* for the year; the deputy paying also the expenses of the court, which are from 250*l.* to 300*l.*

The president has not any power of compelling the attendance of the aldermen, sheriffs, or sheriffs' peers, to give him assistance in the performance of the business of the court; but he is generally to some extent assisted by the two sheriffs' peers who had served as sheriffs during his mayoralty. It has been a practice for some years past to pay a salary of 100*l.* to one of the sheriffs' peers to act as permanent assistant to the president.

The emoluments of this office are entirely derived from fees paid by the suitors on the proceedings; the particulars of them, and the practice of the court, will be found in a subsequent part of this Report. They produce to the president about 1,500*l.* for the year. The court is held every day.

Town Clerks, their functions and emoluments, &c.

79. The Town Clerks are also the prothonotaries of the Civil Court of Record, clerks of the peace for the county of the city of Dublin, and clerks of the Crown at the Court of Quarter Sessions.

Their duties in these several capacities have been returned to us in detail by those officers, and are as follows:—

As Town Clerks.

As Town Clerks, they attend all general quarter and post assemblies, and all other meetings of the corporation—prepare all business for these meetings—and draw the resolutions and orders. They engross and record on rolls of parchment all Acts of Assembly and other proceedings of the corporation, and keep copies of all those proceedings. They prepare the election books for holding the elections of the several corporate officers, keep the several rolls of oaths, and administer these oaths to freemen and officers on admission and election, and prepare the necessary beseeches for freemen seeking to be admitted. They prepare and attend the execution of all bonds given by corporate officers; they act as secretaries to the Board of Aldermen, and attend all meetings of the Pipe Water and other standing committees, and of all special and sub-committees of the Common Council; enter all their transactions in books, and draw up the several Reports of the sub-committees to the general committee, and of the general or standing committees to the quarter and post assemblies. They write all letters, and act in every respect to all these several committees as general secretaries; they draw all notices of post assemblies, and have copies of them posted; and they take the charge of, and keep in safe custody, all the charters, rolls of assembly, rolls of oaths, title deeds, leases, bonds, books, and all other muniments, documents, and papers belonging to the corporation.

As Prothonotaries of the Lord Mayor and Sheriffs' Court.

As Prothonotaries to the Lord Mayor and Sheriffs' Court, they enter all the original plaints, actions, and attachments issued out of the court, sign and seal them; file the affidavits upon which they are grounded, and keep the books and records of the court. They file, preserve, and make entries of all bail pieces, appearances and pleadings; enter all rules, orders, &c. in the court books; attend chamber and other motions; make out records; issue process; attend in court on the several trials; swear juries; record verdicts; mark judgments; tax the costs; make out executions; file writs from the superior courts, and make out returns thereon.

As Clerks of the Peace and Clerks of the Crown.

As Clerks of the Peace and Clerks of the Crown, they give receipts for all information, recognizances, convictions, &c. returned to their office by the magistrates of the city of Dublin; read and consider informations, to enable them to draw indictments in such cases as are not prosecuted by the crown or by public bodies; abstract all indictments into books for the use of the court, and file all informations, recognizances, convictions, appeals, &c. lodged in their office; they summon the prosecutors and witnesses to attend, and give evidence on the several cases for trial at the respective sittings of the sessions court; send letters and notices to the magistrates and grand juries, informing them of the several adjournments of the court, and requiring their attendance when necessary, and give notice to the several police-offices of the adjournments of the court; they attend the court during its sittings, and swear the grand and other juries, and all prosecutors and witnesses; arraign prisoners and traversers; record their pleas, the findings of the juries, and the sentences pronounced by the court; and generally act as registers of the court and secretaries to the grand jury; they give notice to traversers, bail, and prosecutors of the time traversers' trials are to take place (which, latterly, has been at the commencement of each general quarter sessions), and record their appearance or non-appearance, as the case may be; they read and lay before the court all money presentments made by the grand juries, and also such presentments of nuisances as they return; record the conditional orders of the court thereon, and save copies of such nuisance presentments and orders on the several persons referred to by them. If such presentments shall not be traversed, they have affidavits of the service of them, and of the orders made upon them, drawn, sworn, filed, and moved before the court, that such orders may be made absolute, and when made absolute they make out warrants grounded thereon, directing the sheriffs to abate such nuisances. In cases of traverses to such presentments, they draw and prepare the traverses and recognizances, and give notice to persons entering into them of the times of trial. They procure and summon witnesses to sustain such presentments, and, when necessary, instruct and fee counsel for such purpose, and on the presentment being found by the petty jury, make out warrants to the sheriffs to abate the nuisances. They carry on such prosecutions as may be directed by the grand jury and court against persons indicted for keeping nuisances, and procure witnesses, and instruct and fee counsel to sustain such prosecutions. They make out (previous to the

several general quarter sessions) and lodge with the sheriffs, precepts, requiring them to return grand and other jury panels to the general quarter sessions. They draw presentments, and affidavits verifying them, for the several grand juries, and copy and file them, after their being confirmed. They make out returns for government, and for the local inspector of prisons in Dublin, every year, of the several persons tried, and their crimes, their pleas, the verdicts of the juries, and sentences of the court. They make out certificates for persons obtaining licences for the sale of gunpowder, and register same, and register the rules and regulations of friendly societies. They attend at the several sittings of the Civil Bill Ejectment Court, and enter the proceedings; take minutes of the evidence given, record and sign the decrees, dismisses, &c., appeals, recognizances, and other documents. They receive, copy in alphabetical order, and cause to be printed, published, and distributed, notices of persons applying to be registered as voters for the city of Dublin; attend the several sittings of the Registry Court, with the books, papers, and documents, in the office of the clerks of the peace, connected therewith; and grant certificates to such persons as are allowed to register and file their affidavits. They record all orders made by the Registry Court for allowing or disallowing persons to be registered. They also attend all elections for members to serve in parliament for the city of Dublin, and produce all books and documents in their office relative to such elections; provide rolls of oaths to be taken by Roman Catholic electors, and grant certificates of their having taken such oaths. They administer oaths of allegiance, and other oaths enjoined by Act of Parliament, to such persons as require the same to be administered to them. They receive, copy, and cause to be printed, all notices served by persons applying to the Quarter Sessions' Court for licences to retail beer, &c.; attend the hearing of such applications, and register the order of the court thereon, and the objections, if any, made to such applications being granted; and give certificates to such of the applicants as the court deems fit to be licensed. They register the names, residences, &c., of all persons obtaining licences for the sale of beer, spirits, wine, &c., and the names, residences, professions, &c., of their several sureties. They prepare and issue precepts and schedules to the high constable and grand jury cess collectors of the city of Dublin, requiring returns from them of all persons in their districts qualified to serve on juries, and by such returns before the court. They make a copy of the book, to be prepared by the court from such returns, and furnish the sheriffs with a copy of such book, and preserve the other as a record.

The town clerks are paid by the corporation a salary of 249*l.* 4*s.* 8*d.*, being 270*l.* of the late currency. This salary has been fixed upwards of twenty years. They are also paid the annual sum of 3*l.* of the late currency, which is designated in the accounts their "ancient salary."

They receive from the Pipe Water establishment the salary of 184*l.* 12*s.* 4*d.*

The other emoluments of the office, as town clerks, and prothonotaries of the city record court, are derived from fees on the proceedings in the court, and on the admission of freemen, &c.

Their fees produced in the year:—

1832	.	.	£444	1	5
1833	.	.	408	18	4

The entire receipts of the office in those years were:—

1832	Salaries	£436	12	4	Total	.	880	13	9
"	Fees	444	1	5					
1833	Salaries	436	12	4	"	.	845	10	8
"	Fees	408	18	4					

The expenses of the office consist chiefly of the payment of a salary to a clerk. This was in the

Year ending Easter, 1832	.	.	£278	0	0
Year ending Easter, 1833	.	.	239	12	0

The disbursements of the office for stationery, &c. are returned to us as amounting to 25*l.* a year. The net annual income of this office to each town clerk, as such, and as prothonotary, may be estimated, therefore, as nearly 290*l.*

Their emoluments as clerks of the peace are much more considerable.

They are chiefly from presentments made by the Quarter Sessions Grand Jury, under Presentments to the authority of the following legislative provisions:—

25 Geo. III. c. 40, s. 31,*—Under this section the grand jury

* This section empowers the grand jury at quarter sessions to raise such sums as they shall think fit, not exceeding 1*l.* at each session, for paying a secretary for his trouble in drawing and entering the presentments and attending such grand jury, during the quarter sessions.

The 31st section empowers the grand jury, at each session, to raise any sum, not exceeding 2*l.*, to be paid to the persons, or persons, appointed by them, for prosecuting nuisances and encroachments, or for shading, removing, or penetrating the same. The 37th section enacts, that the expenses and costs are to be taxed by the proper officer of the court, and that an affidavit shall be made, by the persons employed, that the sums charged have been duly laid out, and disbursed upon such prosecutions.

The quarter sessions grand jury appears to have early appointed the clerks of the peace to the offices of secretary and prosecutor of nuisances; as the 38 Geo. III. c. 26, which repealed the 25 Geo. III. c. 40, provides, in the 29th section, "that the repeal shall not affect the rights, or claims, of the clerks of the peace, to any sums theretofore presented to them by the quarter sessions grand jury, but that the several sums which the quarter sessions grand jury were thereby authorized and empowered to present, and therefore presented for them in lieu of their fees, and for drawing and entering presentments, and attending grand juries, and for prosecuting public nuisances, and the sums theretofore presented to them for summing up prosecutions, should be continued to them as if the Act of the 25 Geo. III. had not been repealed. The clerks of the peace are the proper offi-

	£	s.	d.
present, " for drawing and entering presentments and attending the grand jury each sessions, ...	9	4	7½
Sec. 36.—The grand jury each sessions present for prosecuting nuisances, &c.	18	9	2
31 Geo. III. c. 11, s. 1.—By this Act the grand jury are required to present at each sessions for the clerks of the peace, in addition to the sums then presented, 50 <i>s</i> of the late currency, being	46	3	1
33 Geo. III. c. 56, s. 29.*—Under this Act the grand jury present, half-yearly, to the clerks of the peace, for summoning prosecutors	21	0	0
49 Geo. III. c. 101, 50 Geo. III. c. 103, 1, 2 Geo. IV. c. 77.—The 49 Geo. III. c. 101, contains a schedule of fees, payable to clerks of the peace, and other officers, for counties at large, on indictments; and empowers the grand juries to present for such fees, in case of persons indicted, tried, acquitted, and discharged without fees. The 50 Geo. III. c. 103, s. 85, extended the 49 Geo. III. c. 101, to the county of the city of Dublin; and, for several years subsequent to the passing of this Act, it was the practice to make presentments to the clerks of the peace for fees on acquitted prisoners. The statute 50 Geo. III. c. 103, was however repealed by the 7 Geo. IV. c. 74, and the power of presenting for fees to the clerks of the peace, on acquitted prisoners, accordingly ceased. Presentments are made to them under the 1, 2 Geo. IV. c. 77, (the Act which abolished jail fees) for fees on prisoners convicted. The amount of these presentments is considerable. The following appear, in the presentments of the year 1833, to be the sums presented to the clerks of the peace on this account:—			
January Sessions	455	11	3
Easter Sessions	369	7	6
July Sessions	325	1	0
October Sessions	486	6	10
	£1636	6	7
56 Geo. III. c. 120 —Under this Act, clerks of the peace, &c. are bound to make certain returns to the chief secretary of the lord Lieutenant, of the number of persons committed for trial, tried, and discharged, within each year, distinguishing their crimes, and other particulars. The grand jury, by section 3, are authorized to settle and present an allowance to those officers for their care, pains, and trouble in making such returns.			
The term grand jury, accordingly, makes an annual presentment to the clerks of the peace of the city of Dublin, on this account, of	31	10	0
The total amount of the same presented by the quarter sessions grand jury, to the clerks of the peace, under the several authorities above-mentioned, for the year commencing the Easter session 1831, and ending Easter session 1832, was	2235	19	1
And for the year ending Easter session, 1833	1760	13	9
The clerks of the peace claim by statute and usage various fees			
* Those by statute are—			
34 Geo. III. c. 22.—For granting certificates to Roman Catholics of having taken the oaths of qualification	1	0	
56 Geo. III. c. 91.—For each order for payment of—			
Expenses to prosecutors	1	0	
Ditto to witnesses	0	6	
56 Geo. III. c. 56, s. 149 (Stamp Act).—For a copy of a conviction returned to their office and furnished to the distributor of stamps	1	0	

ours who tax the costs in criminal cases, and the appointment of them as prosecutors of nuisances seems thoroughly objectionable with reference to the 37th section of the 86 Geo. III.

The full sum of 29*s* is presented to the clerks of the peace at each general quarter sessions for these prosecutions, and they defray discount the expenses of them.

*This section is stated in note, p. 27. The sum is not defined, and the presentment appears to have previously depended on usage.

		£	s.	d.	CORPORATE BODY.
58 Geo. III. c. 39 (Civil Bill Ejectment Act).—On proceedings by Civil Bill Ejectment—					
For entering the cause			0	6	
Signing, entering, and recording the decree or dismiss.			1	0	
Every summons			0	6	
Signing and entering every renewal			0	4	
Entering verdict			0	5	
Recognizance of bail, and certificate of appeal			0	5½	
2, 3 Wm. IV. c. 68, s. 34 (Reform Act).—For every certificate of registry of a voter			1	0	
3, 4 Wm. IV. c. 68, s. 5.—For every certificate, to entitle a party to a licence to sell beer, &c. by retail			2	6	
Section 10.—For every registry of the name, &c. of the person licensed			2	6	
The clerks of the peace claim, and receive, the following fees by usage:—					
For drawing and entering a traverse to a presentment of a nuisance		1	10	0	
For copies of convictions, or adjudications, (save those under the Stamp Act,) a fee on each of			6	2	
For certificates of appeals being lodged to convictions, or adjudications, a fee on each of			7	2	
For certificates of informations, or indictments, and recognizances, (called manuscript warrants,) to enable those who become sureties for persons to abide their trials, to surrender them in discharge of their bail			7	2	
For entering rules, recording the entering bills of indictments, findings on such bills by the grand jury, appearances for the Crown and prosecutors, and verdicts of the juries, for each rule			2	0	
For all orders made by the court on motion, &c.			7	2	
For drawing every record of conviction, or acquittal of a prisoner, or traverser, at the rate of 6d. for every office-sheet, containing seventy-two words.					
The like for attesting same.					
For taxing bills of costs in criminal cases, each bill, if long			3	1	
For certificates given to persons to deal in or sell gunpowder			6	2	
The total receipts of the clerks of the peace, from fees on licences, &c. for the year ending at Easter session 1832, were			3	1	
Year ending Easter session 1833		270	10	0	
One chief and three under clerks, and a messenger, are employed in the office of the clerks of the peace. The salaries of these officers, and other disbursements of the office for printing, stationery, &c., amounted, in the above period, to the following sums:—		260	0	0	
Year ending Easter session 1832,					
Salaries		£559	3	9	
Other expenses		122	15	0	
		£681	18	9	
" Easter 1833,					
Salaries		506	14	6	
Other expenses		86	0	0	
		£594	14	6	

The following table exhibits, for the two periods, the entire receipts and disbursements, and net income of the clerks of the peace:—

Receipts.		Expenditure.
1831-2.—Presentments by quarter sessions jury	£2235 19 1	£681 18 9
Do. by term grand jury	31 10 0	
Fees, &c.	270 10 0	
	2537 19 1	
	681 18 9	
Net income	£1856 0 4	
1832-3.—Presentments at quarter sessions	1760 13 9	594 14 6

CORPORATE BODY.

1832-3.—Presentments at quarter sessions by		
term grand juries, ...	£31	10 0
Fees, &c.	260	0 0
	2052	3 9
	594	14 6
Net income	£1457	9 3

Marshal, functions of, &c.

80. The Marshal was formerly the keeper of the prison called the City Marshalsea; but the custody of that prison was made a distinct office in the year 1786, by the Irish statute 25 Geo. III. c. 27, s. 34, and similar provisions are contained in the several good Acts since enacted. See 50 Geo. III. c. 103, and 7 Geo. IV. c. 74.

As Marshal.

The present functions of the marshal are twofold: those belonging to his office as ministerial to the City Court of Record; and those conferred on him by the statutes constituting him register of pawnbrokers' licences in Ireland, and an auctioneer of forfeited pledges.

The marshal executes and returns the process of the city court of record, called the Lord Mayor and Sheriff's Court, and returns the juries for trial of issues joined therein.

His principal duties in this respect relate to the storage and sale of goods seized under the process of attachment from that court.

The goods are seized, under this process, by the sergeants-at-mace, by whom, if bail be not given in four hours after seizure, the goods must be conveyed to the marshal's store, which is now held at an extensive public establishment for the sale of property, called the Commercial Mart. If bailed before twenty-one days after seizure the goods are returned, upon payment of 8s. 4d., consisting of a fee of 4s. 2d. for what is called an "entry," and a similar sum of 4s. 2d. for a discharge, besides a charge for storage, which is regulated by the amount of the attachment, and not by the size or number of the goods under seizure.

The charge is 6d. per night upon an attachment for a sum under £20; 10d. when the attachment is for a sum over that amount.

Thus if a watch worth but 1*l.* be seized upon an attachment for 2*l.*, the charge on it would be 10d. for each night's storage. Horses seized are put to livery, and charged accordingly. According to the rules of the court, no execution can be issued until the goods have remained in the marshal's possession unbailed for twenty-one days.

Upon the execution being lodged with him, he proceeds to sell the goods seized, and generally arranges the day of sale with the plaintiff's attorney, giving from one to four days' notice of the sale, by posted notices and advertisements in the newspapers. The sale is by an auctioneer, employed by the marshal, and paid by him out of his own fees, which are, under the general statute regulating fees on writs of execution (5 Anne, c. 7), 1*s.* in the pound upon any sum under 10*l.*, and 6*d.* in the pound upon any sum over that amount.

In the event of a sale, the storage, and other charges above-mentioned, and the costs of the advertisement are levied out of the proceeds of the goods.

It is stated that attachments are generally bailed, and that, consequently, few sales take place.

In cases of disputed property in the goods attached, the marshal may empanel a jury, and hold a Court of Inquiry; but in practice he decides such questions upon affidavits, on which he charges a fee of 2*s.* 6*d.* each.

In reliance to his functions in returning juries to the City Record Court, the marshal states it to be his practice to summon from twenty to twenty-five of the most respectable persons in the neighbourhood of the court to attend as jurors, and in default of a sufficient number of those summoned, tradesmen of the bystanders, who are warned to attend (often personally by the marshal), but not summoned, are put upon the jury.

A sum of 1*l.* is paid to each jury on bringing in their verdict; and the marshal admitted, that if he thought the money given to a juror would be an object to him, he would summon him to attend, if he considered him a respectable man.

Few arrests are made under process of the Record Court.

The marshal states that his fees upon arrest are 1*s.* in the pound, when the arrest is for a sum under 20*l.*, and 6*d.* in the pound when over. Arrests on mesne process for sums under 20*l.* are now abolished.

We have not found any statute authorizing the fees thus claimed.

The marshal, for the due performance of his different duties, gives security in 2000*l.* to the corporation.

The gross receipts of the office, from the execution and returns of the process of the City Court, were, for the twelve months ending December, 1833, about 280*l.*

As Register of Pawnbrokers.

By the first statute regulating the trade of pawnbrokers in this country, 25 Geo. III. c. 43, s. 40, the marshal of the city of Dublin has been constituted "register of pawnbrokers' licences in Ireland." His duties, as such, under this statute are to register the certificates to be furnished to him by all pawnbrokers of their names and sureties, and to receive from them and enter in his registry books accounts of the sums lent in each month, and return true abstracts of those monthly accounts to either House of Parliament in the first week of each session.

He is entitled to a fee of 5*s.* on the registry of each pawnbroker's certificate; but in practice very generally receives a guinea, sometimes two guineas, for this service. The payment of the larger sum is stated to be made under a regulation of the trade.

All pawnbrokers in Ireland are required, under a penalty of 40*l.* for each default, to send to the register monthly returns, containing an exact account of the number of sums lent in each preceding calendar month, and also the gross amount thereof, upon oath. With each of these returns the register is entitled to a fee of 1*s.* from the pawnbroker.

These returns he is directed, as above stated, to lay before either House of Parliament the first week in each session.

It is stated by the present marshal (who is not long in office), that he receives returns every year of the amount of money lent on pledges from all the pawnbrokers in Ireland. The observance of the provisions of the statute appears, however, to have been heretofore habitually neglected by pawnbrokers, and not enforced by the register. It has appeared in evidence before the commissioners, in some country towns, that for many years the marshals of the city of Dublin had acted on arrangements with the country pawnbrokers not to ask for any returns, or getting an annual payment of 1*l.* from each, and that the pawnbrokers accordingly made no returns; while the marshal had thus created a sinecure income of considerable amount, by compromising an important duty of the office. There is a conflict of evidence on this subject, even as to the present marshal; for while his statement is as we have mentioned, the country pawnbrokers allege that the same system still continues. One pawnbroker, examined in Dublin, stated that he made the monthly returns; another admitted that he himself did not, and added that he did not know any one who did.

The marshal admitted that he received 1*l.* a year from some of the pawnbrokers, and a printed form of receipt was produced in Belfast, as sent by the marshal, for the sum of 1*l.*

The marshal is also, under the 28 Geo. III. c. 49, s. 9, an auctioneer of forfeited pledges for one of four divisions of the city, appointed for the sale of them by that statute; this section recites that the sword-bearer and marshal had, from time immemorial, been in the receipt of certain fees, for the appraisement of goods and articles pledged or pawned in the city and county of the city of Dublin, and employed as auctioneers for the sale of forfeited pledges. The appointment of the two other auctioneers was given to the lord lieutenant.

As Auctioneer of Pledges.

Their fees, as auctioneers, are regulated by the 13th section of the statute.

They are 1*s.* in the shilling for every article, or number of articles, the property of any one person, sold for any sum under 20*s.*

1*s.* 4*d.* in the pound for any sum amounting to 20*l.*, and not to 40*l.*

1*s.* in the pound when over that sum.

And these fees are directed to be in lieu of all other demands theretofore charged, such as warehouse and auction-room rent, advertising handbills, posting and distributing the same, and clerks and porters for their attendance on such sales.

After forfeiture, and before sale, of all goods pawned, on which over 4*s.* has been advanced, it is made compulsory by the 14th section, under penalty of 5*l.* for each offence, upon all pawnbrokers within the district of the Dublin metropolis, or within three miles thereof, to require the borrower, by notice, to redeem within fourteen days. These notices they are directed to have served by the register, to whom they are to give a fee of 3*d.* for each notice served, where the principal sum lent amounts to 4*s.*, and does not exceed 20*s.*, and 4*d.* if over 20*s.*

These fees for serving the notices had been commuted many years since, by arrangement between the marshal and pawnbrokers, for a fixed sum of 5*l.* a year, and remained fixed at that sum until the present marshal came into office. He has raised the annual composition to 6*l.* from each. For this sum the marshal undertakes to have all services effected upon a certain day, from which the pawnbrokers date the fourteen days to redeem, and he employs a person to perform that duty; but neither the pawnbroker nor the marshal makes any inquiry as to whether the notice has been actually served or not.

Each of these four auctioneers is required, by section 18, to keep an exact account of the amount of goods sold for each pawnbroker in each month, and to make monthly returns of such accounts to the register for the time being (upon oath if required) under a penalty of 4*l.* for each default; and the marshal is required to annex abstracts thereof to the pawnbroker's returns, before referred to, and deliver them therewith for the inspection of either House of Parliament.

These returns are not made or demanded.

The marshal does not act as auctioneer, but farms out his office at 3*l.* a week, besides having received a gratuity of 75*l.* upon the appointment. The deputation to the acting auctioneer is for his (the marshal's) life, and is made, we presume, under colour of that section of the statute which authorizes the appointment of sworn clerks or assistants.

The lessee of the office of auctioneer is permitted to regulate the place and mode of sale in any manner which his interest may dictate, unchecked either by the enforcement of the returns commanded by the statute, or by the personal superintendence of the marshal.

The marshal in no way interferes in the business of the sales by auction; he rarely even visits the sale-room, and requires no account from the lessee.

From the different sources of emolument connected with his office the marshal derives a net income, after payment of his clerks and messenger, of about 650*l.* a year.

The duties of his office as auctioneer of forfeited pledges are, as we have seen, entirely performed by deputy. For those of the office of register of pawnbrokers he receives considerably greater fees than are prescribed by statute, and from persons whose observance of the law in other particulars he himself is, to some extent, bound to see enforced. These two branches of the office of marshal appear thus to confer on that officer a very considerable income, without, in our judgment, any adequate return of useful service to the public.

There is some pecuniary responsibility attached to the office, and, as auctioneer of pledges, the marshal is bound to give security himself in 1,000*l.*, with three sureties for 500*l.* each, in addition to the bond for 2,000*l.* given by him as marshal to the corporation.

Much, and in some respects conflicting, evidence was given before us on the mode of conducting sales of forfeited pledges by the farmer of the office of auctioneer, under the marshal, and by the sword-bearer and other divisional auctioneers or their "assistants."

M. C. J.

F

CORPORATE BODY.

They are held in obscure parts of the city: all valuable articles, such as plate, jewellery, &c. are sold by night: there is not any catalogue prepared or used; in some instances the sale is not advertised, and there is no notice of it in any case given to the public in the manner usual at other auctions, by having it announced by a person stationed in the street. The auction-rooms are represented to be quite unfit for the reception of respectable persons, and it appears that, in some instances, the principal sale, that of plate, jewellery, &c. takes place at the remote end of the room; while the part next the entrance is occupied by a crowd of persons, assembled at a separate auction of forfeited wearing apparel and such cheaper articles, so as to make it difficult for a stranger to know or see what is going on inside, or to get through the intervening crowd.

By the auctioneers the sales by night are represented as beneficial, as inducing the attendance of persons in trade, who could not with convenience attend the sales if held during the day; but the persons who so attend are usually those who purchase to sell again, and who of course cannot be expected to offer so advantageous terms for the sellers as would be obtained from the general competition of the public. The system of sale is, in other respects, calculated more for the interest of such buyers than of any others; as it is admitted that articles of plate, jewellery, &c. are put up to sale as they come from the pawnbrokers without being previously cleaned, so that persons unacquainted with the trade have no means of forming an opinion of their value. The public have in fact no opportunity of previous inspection or examination of the articles to be sold, nor any notice of the particular objects to be disposed of. They are sent in just before the sale from the pawnbroker's office, and handed to the auctioneer by the pawnbroker's clerk as he proceeds in the sale.

The attendance of the class of buyers we have mentioned, and who may be said nearly to monopolize the purchases, is encouraged by a system adopted by the auctioneers of giving credit to such persons: this credit generally varies from three to five months.

These persons are familiarly termed "jobbers."

They act as a body, and attend at every sale. Should any stranger (not one of the body) attempt to purchase, it is alleged that they raise the article far beyond its real value, and thus deter strangers from bidding for valuable articles at those sales.

An impression exists, and was conveyed to us in evidence, that, as the auctioneers give long credit to these jobbers, they are naturally interested in securing their own re-payment by letting them have the articles set up to auction upon the most reasonable terms.

The imputation of collusion between auctioneers, pawnbrokers, and jobbers at those sales, was however strongly denied on the part of the auctioneers, and they alleged that the articles sold at them often brought more than the real value. We have not the means of ascertaining the accuracy of this representation in detail, but it was admitted that the articles sold rarely produced more than the sum advanced on them by the pawnbroker,—a fact which, it was represented, was to be accounted for by the circumstance that the articles brought to sale, as forfeited pledges, were generally those on which the pawnbrokers had made improvident advances; but which may be at least equally well explained by the absence of any party having an adequate interest to advance the biddings after they reach the sum sufficient to meet the pawnbroker's demand.

By this monopoly of the places of auctioneers of forfeited pledges all competition on the part of other auctioneers for these sales is excluded, and in the places, time and conduct of the sales the interest of the owners of the property sold is, we apprehend, but little regarded. The appointees of the officers, by the system of farming them to the "assistants," reduce them to places of mere emolument to themselves, abandoning all attention to the conduct of an establishment, which, if it be permitted at all on the present exclusive system, ought to be watched with vigilance for the protection of the poorer classes of society. The importance of these situations may be judged of by the fact, that the profits of the farming auctioneers are stated to average from 800*l.* to 1,000*l.* a year, in each of the two best divisions—those of the marshal and sword-bearer; and from 300*l.* to 800*l.* in each of the two others.

In the places and condition of the auction rooms, the practice of night-sales, the want of proper catalogues of the articles to be sold, and the absence of fit opportunity for public inspection and examination of the articles, and fair competition for their purchase, the present system of these auctions is highly objectionable. Whether, in addition to such regulations as would check these prominent abuses, it may not be expedient altogether to abolish the present monopoly of such auctions, is matter for serious consideration.

Water-Bailiffs,
functions of, &c.

81. The Water-Bailiffs are styled in an ancient Act of Assembly, A. D. 1558, the under sheriffs of the city.

The present functions of these officers, in relation to the administration of justice, are very limited; consisting merely of occasional assistance to the sergeant-at-mace, in the execution of the process of the Lord Mayor and Sheriff's Court, on the river, and that part of the Bay of Dublin which is considered as comprised within the limits of the county of the city. They are sometimes, but not generally, named in the warrant. The process is in fact executed by the sergeants-at-mace; the water-bailiffs only attending, as they state, to legalize it by their presence.

They demand for this service generally a fee of 1*l.*, which they require to be paid before going out with the sergeants-at-mace. If the amount of the sum in the process is large, they require 5 per cent. on the first 100*l.*, and 2½ per cent. on every 100*l.* over that sum. The actual business of these officers in this branch of their functions is inconsiderable. The average amount of annual fees from the execution of process was stated to be little more than 5*l.*

The Act of Assembly of 1558 (temp. Eliz.) declares that the water-bailiffs being under-sheriffs of the city, shall take by attachment of a citizen, by the queen's process, only 8d. sitting.

The water-bailiffs summon the lord mayor and board of aldermen to all meetings which the lord mayor and aldermen should attend. They set in this branch of their duty under the directions of the lord mayor. We do not find that they receive for the performance of it any specific remuneration.

The most important branch of the functions of these officers relates to the coal trade of the city of Dublin. They appear, in the Act of Assembly of 1558, already referred to, to have been considered entitled to certain duties for "plankage" and "balinge;" the former, apparently, for the use of planks supplied by them to the vessels frequenting the port; the latter item we are unable to trace the interpretation of. They, at the present day, supply to all coal vessels, discharging in Dublin, scales and weights; and until the statutes against the sale of coals by measure, they supplied them with tubs to measure the quantity delivered. The owners of these vessels are not, it is understood, bound to make use of the weights, &c. supplied by the water-bailiffs, and during the suspension of the collection of the dues called *slippage* and *anchorage*, in 1827, and succeeding years, while the rights of the corporation to them was in question, some coal vessels brought over measures of their own, and refused to use those of the water-bailiffs. They now, however, very generally use the weights and scales so supplied.

The emoluments of the water-bailiffs are chiefly derived from a tax levied by the corporation on all colliers of 5s. 6½d. for each trip, and from a proportion of a charge, called *chapter and guild*, made on all vessels coals in each year. These dues are collected with the charges for *slippage* and *anchorage* made by the corporation, and the water-bailiffs are paid their proportion of them by the city treasurer. The water-bailiffs also charge a shilling with each set of scales and weights for providing *slings*, without which the scales and weights would be useless.

The charge of 5s. 6½d., called water-bailiff's fees, and the fee called "*chapter and guild*," are levied from the coal vessels, whether they use the scales, &c. supplied by these officers or do not.

We shall advert more particularly to these, and the other charges made by the corporation and their officers, on shipping, in a subsequent part of this Report.

The proportion of the fee, now called *chapter and guild*, payable to the water-bailiffs, was fixed by the Act of Assembly of 1558 at one-third; it is thence called *chapman guild*. The remaining two-thirds are paid to the sheriffs and recorder.

The amount of the sums paid to the water-bailiffs from these fees in the last three years were,—

Year ending 28th September, 1832, to each water-bailiff	£239	7	4½
" " " 1833	"	231	4 6
" " " 1834	"	213	5 8½

The scales, weights, &c. are considered the private property of the water-bailiffs. The present stock of those articles was represented to us as having cost them about 200*l*. The rest of an office kept by them on the quay, and the supply and repairs of the scales, weights, &c. form the only necessary expenditure of the situation.

They attend the office in person. It is open from ten to four o'clock through the year.

The ancient Act of Assembly we have referred to contains a specification of various dues provided for the water bailiff, out of cargoes of salt, coals, herrings, oysters, ling, and other fish, slates, corn, flesh, apples, victuals, wine, iron, and wood, and a fee of 4d. for every horse coming to the city to be sold; and 4d. of every vessel admitted to the freedom of the city, and 4d. of every vessel for perching. We have not any evidence of the demand or existence of any such dues in modern times.

82. The Functions of the Sergeants at Mace have been alluded to in our account of those of the marshal and water-bailiffs. They consist altogether in the execution of the process of the City Record Court.

Sergeants at Mace, functions of, &c.

They give security to the corporation, with two sureties, to the amount of £250.

Complaints were stated to be made against these officers, both by plaintiffs and defendants; by the former, for not removing goods attached in proper time to the marshal's stores, or for removing them to other places; also for not arresting defendants when they had an opportunity.

A sergeant at mace was stated to have been lately dismissed, for pawning a pair of gloves seized by him under an attachment.

The complaints by defendants are stated to have been, for taking more goods than necessary, under attachments, or removing the goods attached before the time prescribed by the rules of the court (four hours) had expired.

No instance was mentioned of their security bonds having been put in suit, though it was stated that applications had been made to the town clerks for the names of the sureties, on any instance of a complaint, preferred to the court, and not attended to.

The emoluments of these officers are derived from fees on the execution of the process entrusted to them.

83. The Secretary to the Lord Mayor attends on the Lord Mayor at the Mansion-house, and performs the general duties of a secretary to that officer.

Secretary to the Lord Mayor, his functions, &c.

He is also register of the court called the Lord Mayor's Court, and acts as such, when that court is held at the Mansion-house; when the court is held in Green-street the duties

CORPORATE BODY.

of register are performed by the person who is generally styled the register of the Lord Mayor's Court, but who is, in fact, merely an assistant to the secretary, at a weekly salary.

The secretary affixes the Lord Mayor's seal to documents to be used abroad, and to the warrants of the collectors of grand jury case, and appointments of the deputy clerks of the market, and other officers mentioned in our account of the functions of the Lord Mayor. He prepares and countersigns the several certificates and licences there also mentioned.

We have noticed in our account of the functions of the Lord Mayor, the arrangements sometimes made with the secretary by farming the office to him at fixed sums. The emoluments of the office of secretary from the various official fees there mentioned were described to us by a gentleman who had held it for 10 years, as averaging, after discharging the expenses of stationery, printing, and clerks, about £350. He did not farm the office, but in all these years (except two in which he acted without emolument) he received the fees to his own use. The profits of the office have since considerably increased, it having been farmed of late years for so high a sum as £350.

This subject, and the fees of this office, will be further noticed in the subsequent part of this Report which relates to the Lord Mayor's Court.

Register of the
Lord Mayor's Court.

84. The assistant, who is, as we have observed, usually styled the Register of the Lord Mayor's Court, issues the summonses and warrants, and prepares and enters the decrees of that court, while sitting in Green-street. He receives the fees of the court, but pays them over to the Lord Mayor's secretary, retaining his own weekly salary, which is only 16s. 3d. He has also the use of a house attached to the Mansion-house, and is supplied with coals.

Register of the
Court of Con-
science.

85. The Register of the Court of Conscience enters the proceedings of that court. He is paid a salary of £45 10s. by the president of the court, and derives an additional income of about £260 a-year from his proportion of the court fees, which will be stated in our account of this court. The register appears also, in several years, to have received the fees paid by the bailiffs of the court on their appointment, as presently noticed.

Bailiffs of the Court
of Conscience.

86. The Bailiffs of the Court of Conscience execute the process of that court. They have for some years paid the sum of £5 each for their appointment to the register of the court. The sum paid was formerly only £1.

Their emoluments are derived from fees, and a poundage on warrants issued under the decrees of the court. This poundage is very considerable. We refer to the part of the Report relating to the court for the particulars of it and their fees. A gentleman who acted as register to this court for six years, stated that he had reason to believe some of the bailiffs had become very rich while in office, and that he thought they made money by indulging the parties. They sometimes give security for the performance of their duty, and their securities have been proceeded against in the court, and sums recovered from them which had been lost by the default, or misconduct, of their principals.

Crier of the Court
of Quarter Sessions.

87. The Crier of the Court of Quarter Sessions is remunerated by a presentment of the quarter sessions grand jury, which amounts to £48 per annum, and by presentments, in lieu of fees, on prisoners convicted; which, with the salary, make the yearly emoluments of the office about £250. He was formerly paid a salary of £5 a-year by the corporation.

Governor of
Newgate.

88. The Governor of the Gaol of Newgate is the chief officer of that prison. He is paid a salary of £400 per annum by presentment of the term grand jury of the county of the city of Dublin. Presentments are also made to him, under the Act abolishing gaol fees, for fees on prisoners convicted. The amount is uncertain. It was in the year 1833 £193 5s. 10d. He also receives by presentment the sum of £50 a-year in lieu of room-rent, and has allowances of bread and other necessaries.

Keeper of the
Sheriff's Prison.

89. The salary of the Keeper of the Sheriff's Prison has been fixed by the term grand jury for the county of the city at £500 per annum, under the 7 Geo. IV. c. 74, s. 129. By that section it is provided, that, if the amount of rents and fees to be established for the prison (by the Court of King's Bench under the next preceding section of the Act) shall at any time appear to the grand jury to fall short of the amount necessary to provide a sufficient salary to the keeper of it, together with sufficient sums for the payment of the hatchmen, and other officers and servants necessary for the safe custody of the prisoners, or the discipline of the prison, the grand jury, at each presenting term, may present the sum necessary to supply the deficiency.

A table of rents and fees has been approved by the Court of King's Bench, according to which the rents and fees collected by the keeper are from £350 to £370 a-year, and the salary has been, therefore, made up by the grand jury to the above sum. The scale of rents is fixed as for unfurnished apartments. There are five rooms furnished by the keeper, for which he charges higher rates, as such, than those fixed by the court, but only returns them to the grand jury as producing the fixed rate. This officer gives security to the sheriff himself in the sum of £8,000, and three sureties to the amount of £7,000.

Keeper of the
Marshalsea.

90. The custody of the city marshalsea has been, as already observed, separated for many years from the office of marshal of the city.

By the 7 Geo. IV. c. 74, s. 126, the Keeper of the City Marshalsea is made answerable for the safe custody of all prisoners confined therein, and bound to observe and perform the several rules, by that Act required, with respect to prisons wherein debtors are confined.

By sec. 130 of the same Act, this officer is bound to observe the same rules, and take the same rates for the lodging and accommodation of prisoners, in such sort, and in

such manner as the marshal of the Town Court shall be entitled to take, save as may be otherwise ordered by the Court of King's Bench, and under the like penalties for the non-observance of them, as by that Act provided in the case of the Marshal of the Four Courts.

The sheriff's prison and city marshals are, by sec. 139, excepted from all the enactments of the statute, except such as expressly relate to those prisons, and such as require a supply of dresses, diet, and furniture, to poor persons, and except such enactments as relate to the authority of the Court of King's Bench, and regulate the office and authority of the inspectors general of prisons.

These prisons are therefore not within the 136th section of the statute, which extends to prisoners for debt, the 1, 2 Geo. IV. c. 77, for the abolition of goal fees.

The keeper of the city marshals receives a salary of £29 10s. 9d. from the corporation. His other emoluments are derived from fees, and from the rents of the apartments in the prison.

The fees demanded by him are:

	£	s.	d.
On a warrant of committal, under a decree of the Court of Conscience - - - - -	0	2	6
Doitto on a committal on mesne, or final, process of the City Record Court - - - - -	0	6	8
On decrees of the County Civil Bill Court, backed by the sheriffs of the city - - - - -	0	6	8

The fees of the marshal, as keeper of the city marshals, and the rates for lodging in the marshals, were first regulated by the 10 Will. III. c. 9, sec. 12, 13, the former of which sections enacts, that the following fees, and no other, shall be taken by the marshal, viz.

	£	s.	d.
For every prisoner committed to his custody on an action out of the Tholsel Court - - - - -	0	2	6
Committed by the lord mayor for petty debts - - - - -	0	1	0

And the latter section provides that the marshal shall observe the same rules, and take the same, and no greater rates, for the lodging and accommodation of prisoners, as by that Act appointed for the marshal of the Four Courts.

This statute, with many others relating to prisons, was repealed by the 50 Geo. III. c. 103, but the provisions of it, as to the marshal's fees, and rates, were re-enacted by the 78th and 79th sections of this latter Act, which give the same fees, and no other.

The 50 Geo. III. c. 103, was repealed by the 7 Geo. IV. c. 74, but this last statute does not contain any section respecting the fees to be taken by the marshal. The 139th section of the 7 Geo. IV. c. 74, having, however, excepted the city marshals from all the enactments of the statute, save as beforementioned, it would seem that the provisions of the 50 Geo. III. c. 103, re-enacting the scale of fees presented by the 10 Will. III. c. 9, are still in force. We have not found any authority for the increase of the fees, as now charged, above the sums so prescribed.

Although bound, by the statute, to regulate his rates for lodging by those of the Four Courts marshals, it was admitted by the keeper of the city marshals, that he regulated his rates of rent by custom, that he was not aware of the provisions of the statute, or of the rates charged in the Four Courts marshals.

The particulars of these rates, and the mode of enforcing payment of them, and of the fees, will be found in a subsequent part of this Report.

The keeper of the city marshals permits prisoners, in custody on mesne process, to go out in the day time, in company with a tipstaff, on payment of a fee of 6s. 8d.

He appears to exercise a discretion as to whether he will, or will not, receive detainees from the superior courts against prisoners in his custody, and to consider that he is not bound to receive them.

The amount of income of this office has been considerably diminished by the abolition of imprisonment on mesne process for debts under £20.

His emoluments, from rents and fees, are about £250 a-year, making, with his salary from the corporation, his entire income about £280.

He resides in the prison.

91. The Treasurer is the receiver of the rents of the several leased estates of the corporation and of the Pipe Water rents. He disburses them in the several payments authorized by the corporation, and keeps the accounts of their revenues. He prepares and lays before the committee of auditors, and verifies by the requisite vouchers, the annual general accounts.

Treasurer,
Auditors of, &c.

This he is bound to do under the second of the "New Rules," mentioned in our account of the office of sheriff, within six months next after the expiration of his year of office.

The accounts kept by this officer, and the system of accounting now established, will be noticed in a subsequent part of this Report. It is sufficient here to observe that under regulations made in the year 1828, all the proceedings and accounts in the treasurer's department are controlled and checked, weekly and monthly, by the accountant, who makes a monthly report to the committee of city leases and finance, showing the balance in bank on the last day of each month.

The payments made by the treasurer are regulated by the acts of assembly, and the deeds of trust of the corporation estates hereinafter noticed. The payments authorized by the latter are made by him without further order; those not so authorized are not made without the authority of an act of assembly, on the certificate of the town clerk, or the warrant of the lord mayor.

CORPORATE BODY.

The treasurer gives security, with two sureties in £5,000, a sum apparently inadequate with reference to the very large income (nearly £30,000) with the receipt of which he is entrusted. It is stated that the sum of £5,000 is considered the largest sum that can possibly be in his hands at any one time, but this assumes (what certainly appears to have been the case in respect of the present officers, since their appointment) a very faithful and careful discharge of their official duties by the treasurer and accountant. A former treasurer, before the present system of keeping the accounts was established, and when the auditing committee are represented as having been much less vigilant than of late years, became a defaulter to the corporation to the amount of about £40,000. He had given security also in the sum of £5,000, and it seems extraordinary that the amount of security for this office was not then raised.

The salary paid to the treasurer by the corporation is £600 per annum. Of this £300 is paid by the Pipe Water establishment. Their salary is supposed to include an allowance of £100 for clerks. The salary was formerly £1,000 Irish currency.

Accountant.

92. The functions of the Accountant have been noticed above in the statement of those of the treasurer, and will be more particularly detailed in a subsequent part of this Report.

This officer does not receive any salary or emolument directly as accountant; but the same officer is also supervisor of the Pipe Water department, and in that character receives a salary of £300 a-year from the Pipe Water rents.

Architect.

93. The city Architect has not any regular salary. He is remunerated for his services, as required, by payment of his professional fees.

Surveyor.

94. The Surveyor prepares maps and plans of the city estates and properties as required by the corporation, and plans to be annexed to all city leases. He is also employed in surveying and proving the state of premises presented as nuisances by the quarter sessions grand jury.

He is remunerated by the corporation according to the business done for them, and is paid by the tenant a fee of £2 2s. on every lease. He is also paid for his services in the prosecution of nuisances. This is presented to him by the quarter sessions grand jury.

Law Agents.

95. The Law Agents conduct all suits in which the corporation may be concerned; but cannot institute any without the authority of an act of assembly, except ejectments for non-payment of rent. The rents in arrears are returned to them by the treasurer, and they proceed by distress or ejectment, as they think most advisable.

They do not prepare any of the corporation leases, but in case of sales of corporate property to the Commissioners of Wide Streets, &c. they make out the statement of title.

They have not any fixed salary, but are remunerated for their services by payment of bills of costs furnished as in the ordinary course of professional business.

High Constable,
his functions, &c.

96. The High Constable is billet master of the city of Dublin, and acts under the warrant of the lord mayor in procuring carriages, &c. for the military on march.

He attends the lord mayor on occasions of state, and in parambulating the city; and acts immediately under him in calling out the military force on occasions of apprehended commotion.

He also, on every night of performance, attends the theatre royal with a military guard.

The high constable is paid by the corporation a salary of £73 16s. 11d. a-year, and is allowed an office rent free. The stationery, &c. required in his office of billet master is provided by the corporation.

He is paid half-a-guinea per week by the manager of the theatre.

The duties of this officer as billet master are the most important branch of his function. The number of soldiers billeted in Dublin has considerably decreased of late years, from some new arrangements made by Government as to discharged soldiers; and we were not apprised of any complaint, now existing, as to the mode in which this part of the duty of this officer is performed. The class of persons on whom soldiers are usually billeted, are the keepers of hotels, inns, public-houses, &c.; and the billet master informed us that on being appointed he was required by the corporation to promise not to engage in any such business. The billeting is regulated by streets, and the billet master stated that about six years ago he returned to Government the number of houses liable to have soldiers billeted on them as 700.

Swordbearer,
functions, &c.

97. The Swordbearer is also clerk of the corn table, and a divisional auctioneer of forfeited pledges.

His duties as swordbearer are to attend the lord mayor, when called upon, and, on occasions of ceremony, to carry the sword of state and cup of maintenance.

He is paid a salary of £73 16s. 11d. by the corporation as swordbearer.

The office of auctioneer of one of the divisional auction rooms for the sale of forfeited pledges is farmed out by him to an "assistant" auctioneer, for which he receives £3 per week, and he was paid besides a sum of £50 for the appointment. He states that he frequently visits the auction room, and looks over the auction books, to see that the deputy acts correctly towards the public. We have already stated the general objections to the auction rooms, and the system with which they are connected.

The swordbearer's duty, as clerk of the corn table, is to attend at the corn exchange on every market day, and to make out the market notes. He is also employed by the lord mayor to calculate the weekly assize of bread.

This calculation is made from the returns of the prices of corn, grain, and flour from the factors, millers, and bakers. It was stated to us, by this officer, that the calculations are made with the greatest accuracy and exactness, and that the bakers had a clerk in attendance on their behalf to check them; when the assize is struck by this officer it is handed to the lord mayor to be signed by him; and this regulates the price of bread for the ensuing week.

As clerk of the corn table his salary is £50 late currency per annum, paid by the corporation, and he is also paid by them the sum of £16 16s. annually, for striking the assize of bread. As clerk of the corn table he furnishes the market notes to the bakers and factors, for which he is paid by them at the rate of 5s. per hundred. This is by private arrangement. He also returns to the Irish Government, weekly, the prices of corn and grain, for which he is paid by them five guineas annually.

The entire annual emoluments of this office may be estimated at £307.

98. The Mace Bearer appears to be usually also officer of commons.

As mace bearer his functions are merely ceremonial, in attending the Lord Mayor and city authorities on state occasions.

Mace Bearer,
functions of, &c.

As officer of the commons he attends the quarter and other assemblies of the common council to preserve order and prevent the intrusion of strangers. He issues summonses for all assemblies and committees. It is his duty to have the Lord Mayor's precepts regularly issued to the proper officers of the guilds, to return their representatives to the commons, and the returns are usually delivered to him.

This officer receives a salary of £73 16s. 11d. from the corporation. He is also paid a guinea from each guild on every precept issued to it, and £1 from each member returned on his being sworn in. The sheriff's peers also pay him £1 each every three years.

He is also paid a fee of 5s. on the corporation seal being affixed to the city leases, and receives himself entitled to a fee on the seal being affixed to any other instrument.

He appears also, as we have already stated, to be entitled to a fee of 5s. 7d. on the admission of a freeman; but the present mace bearer, who was elected about two years since, stated that he had not received any fees on the admissions of freemen. He calculates his average income at about £200 a-year.

99. The Clerks of the Commons attend all meetings of the common council, arrange and read to the meeting all the papers laid before them, put the motions, resolutions, &c. in proper form, and advise the sheriffs when required on any point which may arise in the assembly. They enter the proceedings in the books of the commons, and have the custody of those books.

Clerks of the
Commons.

The senior clerk is now paid a salary of 80 guineas per annum. The junior clerk's salary was £30 a-year, and is now reduced to £16. The difference of salary between the two clerks in favour of the former, appears to be a personal compliment to the present senior clerk given to him about 20 years since for his long and faithful services to the corporation, with which he has been connected for 50 years. The salary of each clerk was previously the same.

The clerks of the commons receive a fee of 4s. 7d. on each admission of a freeman, and 10s. on the execution of every city lease.

The fees are divided equally between the two clerks.

100. The City Chaplain has not any particular functions as such, and is not paid any salary. Chaplain.

The present chaplain is the incumbent of one of the livings in the gift of the corporation, to which he was presented by them some time after his appointment as chaplain.

101. The Beadles attend the civic authorities on state occasions, and they also act as staffmen to the Lord Mayor.

Beadles.

One of the beadles is paid a salary of £12 of the late currency, the other £10, by the corporation.

102. The Staffmen attend the Lord Mayor on his visits of inspection to the markets, shops, &c.

Staffmen.

The conduct of these officers in reference to the Lord Mayor's Court will be noticed in a subsequent part of this Report.

103. The Deputy Clerks of the Market adjust and seal all weights and measures used in the county of the city of Dublin.

Deputy Clerks of
the Markets,
their functions, &c.

A statute of the Irish Parliament, 21, 22 Geo. III. c. 29, s. 6, provided that all weights and measures used in the county of Dublin should be sealed by the same persons by whom they were sealed in the city. That provision was temporary, and has long expired.

They accompany the Lord Mayor in his visits to the markets, shops, &c. where weights and measures are used for sale of any commodities, and take charge of all weights and measures seized by him as unlawful, and receive the fines imposed by the Lord Mayor on the persons found in possession of them. It appears that these officers have, at times, seized weights without the presence of the Lord Mayor or of any of the market jury.

They also sell weights and measures, a practice which is complained of as inconsistent with the due discharge of the duties of their office.

The following is the table of fees hitherto charged by these officers:

	£.	s.	d.
Sealing for the trade, metal weights of	56	-	0 4
"	28	-	0 4
"	14	-	0 3
"	7	-	0 3
"	4	-	0 2
"	2	-	0 2

	£s.	s.	d.
Sealing brass weights for the public and trade, each weight	-	-	0 2
Adjusting, sealing, leading, &c. metal weights, sent by the public	56	-	1 3
"	28	-	0 10
"	14	-	0 8
"	7	-	0 6
"	4	-	0 4
Sealing pewter and tin measures from one quart down to half a noggin, each	-	-	0 2
Sealing and trying copper measures	5 gallons	-	1 1
"	1 ditto	-	0 6½
"	quart	-	0 3½
All weights sent by the public to be tried and found correct, for stamping	-	-	0 2

The statute 4, 5 Will. IV. c. 43, regulating the appointment of Inspectors of weights and measures, and establishing a schedule of fees for the above purposes, was passed subsequent to the conclusion of our Inquiry.

Other Officers connected with the Markets.

104. The statement of the functions and emoluments of the other Officers, above enumerated as connected with the Markets of Dublin, namely,

The Inspector of the haymarket,
Clerks, or weighmasters, of the haymarket,
Weighmasters of the butter crane,
Weighmaster of the green hide crane,

will be more conveniently reserved to the subsequent portion of this Report which describes the several markets.

Officers connected with the Pipe Water Establishment.

105. The consideration of the functions of the several Officers connected with the Pipe Water Establishment is also, we think, more properly to be referred to our account of that branch of the city estates, and the local taxation of Dublin. We shall here merely repeat the names of those officers, and state the salaries payable to each:

	£	s.	d.
Master of the Works	-	-	none.
Engineer	-	-	230 15 4
Storekeeper (also Book-keeper)	-	-	92 6 0
Inspector of Collectors	-	-	184 12 4
Collectors, a poundage.	-	-	-
Supervisor	-	-	300 0 0
Overseer	-	-	110 15 4
Inspector of Turncocks	-	-	110 15 4

Freemen, Privileges of.

106. The Privileges and Functions of the Freemen in the election of members of the common council have been stated.

Such of them as have been duly registered under the Reform Act, and are resident within seven statute miles of the sessions house in Green Street, are entitled to vote at elections for the Members of Parliament for the city.

They were exempt from the city customs, when collected.

They are entitled to appear, without giving special bail, to process against their persons in the City Record Court.

IV. JURISDICTION.

CRIMINAL JURISDICTION.

107. The Jurisdiction of the magistracy of the county of the city of Dublin is exclusive of the magistrates of the county at large.

To a certain extent, the magistrates of the county of the city have jurisdiction in the county of Dublin, under the peculiar provision of the 33 Geo. II. c. 16, which makes them justices of the liberties, but without power to sit at any sessions of the peace for the county.

The earliest express grant we have found of criminal jurisdiction to the corporate authorities, is in the charter of 7 Henry V., which constituted the mayor and bailiffs justices of the peace, and of labourers. This was followed by the charter of 2 Richard III., making the mayor and recorder justices of oyer and terminer, and gaol delivery, within the city, its suburbs, and franchises, as well by land as by sea, and on the fresh water, with liberty to hold the city gaol.

The next charter relating to this subject is that of 17 Charles I., which declared that the mayor, recorder, and six senior aldermen, who had served the office of mayor, should be justices of the peace within the city, and that they, or any four of them, of whom the mayor or recorder should be one, should be justices of oyer and terminer and gaol delivery.

The charter of 1 Geo. II. extended the provisions of the 17 Charles I., by granting that all

the aldermen who had served the office of mayor, or been excused from serving it, on payment of a fine, should be justices of the peace.

The statute 33 Geo. II. c. 16, finally conferred the office of justice of the peace on all the aldermen of the city.

The 19th section of this statute provided that the lord mayor or recorder, and any two of the justices of the peace for the city, should have power to hear and determine all matters which the lord mayor, or recorder, and any three justices could hear and determine.

108. Under the authority of this last provision the present Court of Quarter Sessions of the Peace for the county of the city appears to be held, and accordingly it is considered necessary that two aldermen should attend with the mayor, or recorder, to constitute the court. Court of Quarter Sessions.

We have noticed, in our account of the functions of the aldermen, the mode in which this duty has been performed by them. Judges of

The whole effective business of the court is done by the recorder.

The lord mayor has not lately presided, except at the opening of the sessions, upon the quarter day; and the attendance of the aldermen appears, in fact, to be little more than ceremonial, while their want of punctuality has not unfrequently produced public inconvenience by delaying the proceedings.

No attempt has been made to dispense, in practice, with the attendance of the aldermen, by acting on the 39 Geo. III. c. 55, s. 4, which empowers the recorder, or his sufficient deputy, being a barrister of six years' standing, to preside at all quarter sessions, and adjournments thereof, although the chief, or other magistrates, should not be able to attend the same.

Some of the formal business of the court has been done before the lord mayor and aldermen alone; but no trial can (under the provisions of the statute 39 Geo. III. c. 55) be proceeded upon without the presence of the recorder, or his deputy, appointed under the 33, 39 Geo. III. c. 42, s. 5, as noticed in our account of the election of the recorder.

The Jurisdiction of this court was, originally, limited to the trial of crimes and offences committed within the county of the city of Dublin; but has been extended by the Dublin Police Act, 48 Geo. III. c. 140, s. 57, to all crimes and offences committed in any place situate in or upon the circular road, or any place within the limits circumscribed by that road. (See ante, title LIMITS.) Jurisdiction

All crimes and offences committed within these limits, except treason, are within the cognizance and jurisdiction of this court. In practice the trial of offences of a serious nature is reserved for the Commission Court, held before two of the judges of the superior courts, (with whom the lord mayor is formally associated,) as noticed in the statute 3 Geo. II. c. 15.

That statute recited the increase of murders, felonies, and other crimes, in the city and county of Dublin; and that persons committed after term for murder, and other crimes, made known by Act of Parliament, and diverse felons were frequently obliged to continue in confinement during a long vacation, in regard such traitors and felons could not be tried at the general quarter sessions of the peace held for the county of the city of Dublin, and county of Dublin, the power and authority of the justices of the peace not extending to the trial of treasons, nor to all felonies; and that it would be of great service that the goals should be frequently cleared of the prisoners, which could not be effectually done, unless special commissions of oyer and terminer, and goal delivery, should issue, and be from time to time continued by adjournment, as occasion might require, for the trial of all the prisoners in the said goals; and it provided that the place where the Court of King's Bench sat, and the chambers and area belonging to it, should be both in the county of the city of Dublin, and the county of Dublin, for the purpose of executing such commissions.

A similar provision as to the sessions house in Green Street, where the Commission Court now usually sits, is contained in the statute 35 Geo. III. c. 25, s. 3.

Besides the trial of offenders, and presentment of nuisances, already noticed, the Court of Quarter Sessions has extensive jurisdictions in cases of appeal from summary convictions, had before the city magistrates, under penal Acts of Parliament; in granting certificates for Excise licences, and exercising the various other authorities conferred on Courts of Quarter Sessions in Ireland; with the exception of the registration of voters for the county of the city of Dublin under the Reform Act, which is now vested, by the Reform Act, in a deputy, specially appointed for the purpose, by the chairman of the quarter sessions for the county of Dublin.

The grand jury also possesses powers of presenting money for certain purposes, already partly noticed, and more fully detailed in the subsequent part of this Report, relating to the grand jury and other local taxation of the city.

It was provided by the Dublin Police Act of 1795, 35 Geo. III. c. 36, s. 45, that the sessions of the peace for the county of the city of Dublin, and county of Dublin, should not be adjourned for any greater length of time than from six weeks to six weeks; and that such sessions might be held during the law terms. This statute was repealed by the 48 Geo. III. c. 140, (the present Police Act;) but the 57th section of this latter Act contains the same provision.

The Practice of this court, in reference to the frequency and duration of its sittings, has varied with the convenience of successive recorders. Practice of Sittings.

Formerly the court sat by adjournment once in the fortnight upon each second Tuesday. The calendar was made up to the Saturday night previous, unless special application was made to bring on any case which had occurred in the intervening three days.

All custody cases within the jurisdiction of the court were disposed of, and by this arrange-

JURISDICTION.

ment no prisoner would, generally speaking, be confined longer than one fortnight previous to trial. However, from the court sitting but one day at each adjournment, which was little more than sufficient to afford time for getting through the trials of persons in custody, a very large arrears of traverse, or bail cases, accrued; some part of which actually remained in arrears for seven years, until the present recorder, by devoting a considerable portion of time and attention to this object, got through the whole arrears of from 200 to 300 cases.

Previously to the year 1825, the recorder practised generally at the bar, and were in the habit of adjourning the court to suit their professional engagements, not, however, for any longer period than three weeks.

The 5 Geo. IV. c. 120 has, as already noticed, prohibited the recorder for the time being from practising as a barrister within the limits of the police district of the metropolis, and provided for him the compensation of an additional salary of £600 a-year.

The recorder is, therefore, now enabled to arrange the sittings of the court with regularity to suit the convenience of the public.

Shortly after the appointment of the present recorder, he was induced, by the very general complaints made of the inconvenience resulting from the former practice of this court, to adopt a system which has had the effect of making the sittings more certain, and has given considerable satisfaction.

The general quarter sessions are held in the beginning of the months of January, April, July, and October, in each year, and the court continues to sit until all the business before it, including custody and bail cases, is disposed of. Should any custody cases occur, whilst the recorder is engaged in other judicial duties incidental to his office, at quarter sessions, they also are disposed of before the adjournment of the court.

Number of Cases.

The Number of custody Cases for trial at each general quarter sessions is, usually, small, owing to the arrangement of the adjournments; and this affords time for the trial of the bail or traverse cases, which are tried after all the custody cases are disposed of.

The number of bail cases at each sessions (since the arrears was disposed of) varies from 60 to 100.

The general period for which the sessions have been hitherto adjourned, is one month, save for any shorter period; but adjournments have been made for five or six weeks, which is represented as being considerably longer than in any former recorder's time.

At these adjournments all custody cases, which have occurred from the last sitting, are disposed of. They vary from 100 to 200 in number, and occupy from three to four days at each adjournment. This is the only business done at adjournments, as bail cases are tried only at the general quarter sessions.

Under the present arrangements 12 gaol deliveries take place in the year, of all offenders whose crimes are within the jurisdiction of the court, and in which the informations and recognisances have been returned to the quarter sessions.

The first business transacted at each general quarter sessions is to list the presentments of the out-going grand jury.

The number of presentments sent up at each quarter sessions varies from 150 to 200.

It was formerly the custom for the lord mayor and aldermen to hold a court upon the Thursday previous to the adjournment day, and to swear witnesses and send up bills of indictment to the grand jury, in order to prevent any delay for those purposes at the sitting of the recorder. This practice has been given up in consequence of the additional inconvenience which it caused to grand jurors and witnesses by requiring a second attendance.

The hours of sitting are now from 10 to 5 o'clock. Previously to the appointment of the present recorder, the hour at which the court sat was eleven.

Juries.

The composition of the grand Jury in this court has been already noticed in our account of the functions, &c. of the city sheriff. Each grand jury is sworn for the quarter.

The attendance of petty jurors is occasionally enforced by the imposition of a fine of £2. There have been frequent complaints to the court, by individuals, of their having been too often summoned as petty jurors. It has been, until of late years, too much the practice to summon the same persons as well to the grand as to the petty juries. There is, in fact, no regulation to control the exercise of the discretion of the sheriffs on the subject, and the recorder has found it necessary to interfere by intimating to the sheriffs his wish that the duty of attending as petty jurors in this court should be apportioned fairly among those liable to be summoned.

This intimation has been attended to; and there seems now to be an understanding that the same individual is not to be summoned as a petty juror more than once in six months.

The duty is irksome, and, being without remuneration, it is very desirable that the jury panels should be so arranged as to produce the least practical inconvenience to those called on to attend.

The fines imposed on jurors are returned into the exchequer, if not previously remitted by the court on application supported by affidavit. The clerks of the peace charge a fee of 6s. 6d. on the filing of every such affidavit.

Should the sitting of the court continue over four days a new jury is impanelled, and so for every period of four days during the sittings.

Market Jury.
Summoners of
Witnesses.

A Market Jury is sworn for each quarter under the statutes relating to such juries.

The only officer of the court we have not already noticed is the Summoner of Witnesses. The clerks of the peace, as we have noticed in the account of the functions of the town clerk, summon prosecutors and witnesses in all bail cases, for which they receive a presentment of £21 half-yearly. Prosecutors and witnesses in custody cases are summoned by an officer of

the court called the summoner of witnesses, and a presentment of £30 each quarter is made to him by the grand jury for the performance of this duty.

Fines imposed on persons convicted in this court are considered to belong to the corporation under their charters, and are returned to the treasurer by the clerks of the peace, and accounted for as part of the casual revenue of the city.

According to the present arrangement of this court it must rarely happen that a prisoner can be in custody more than a month before trial; and it is the habit of the recorder in passing sentence of imprisonment to date the term from the committal. A very great portion of the offences which are tried at sessions are, however, of a character deserving of little more than a few weeks' imprisonment; the greater number of the offenders are juvenile, and the common place of confinement of prisoners untried is the goal of Newgate. To this prison it appears that the average weekly amount of committals is about 50, and nearly one-third of the prisoners are females. From the want of accommodation in the prison, and the defect of classification, (there being, in fact, none whatever among the female prisoners,) it is of great importance that the terms of confinement in Newgate before trial should be as short as possible, with a view as well to the speedy release of those who may be acquitted, as to the removal of those found guilty from a very demoralizing place of confinement to one under better regulations as to discipline and classification.

The speedy trial of offenders of the class usually brought before this court, must also be of importance in the frequent cases of crimes committed on the property of strangers resorting to the metropolis.

Looking to these considerations, and to the number of weekly committals, we think that the arrangements of this court are capable of much improvement in reference to the periods of its sittings. In the city of Cork the Court of Quarter Sessions is held weekly by the recorder for the trial of offences, and we are not aware of any satisfactory ground of objection to the adoption of the same arrangement for the extensive and populous district of the metropolis; an arrangement, which, in fact, was acted on for some time by the late recorder, Sir Jonas Greene; while we think that the convenience of jurors, prosecutors, and witnesses, and the protection of the public at large, by the trial of offenders recently after the commission of their crimes, would be materially advanced by the alteration.

The saving of the expense of maintenance of prisoners ultimately acquitted from their being discharged after only a few days' confinement, is a minor but not unimportant advantage, which would result from the adoption of weekly sittings.

109. We have already noticed, in our account of the functions of the aldermen, the Rotation, or Crown Office, attended by them in their character of justices of the peace. We have no observations to add, in this place, to what we have there stated of the exercise of magisterial jurisdiction by the justices of the peace out of sessions. The despatch of business by the divisional justices at the Police Offices, is noticed in the part of this Report relating to the police establishments.

Fines.

Observations on the period of sitting.

Rotation, or Crown Office.

Police Offices.

Lord Mayor's Court.

110. As chief magistrate of the city, the lord mayor holds the court called the Lord Mayor's Court, of which he is the sole judge.

This court is held every Thursday at the City Sessions Court House, in Green Street.

On other days of the week the lord mayor frequently holds the court at the Mansion House, and at such times as may be convenient to him.

This court is not noticed in any statute or charter, and its arrangements depend merely on usage, and are very much at the discretion of the lord mayor.

When the court is held at Green Street, it is open to the public; but at the mansion house the lord mayor holds it in a private apartment, to which usually no persons are admitted but the parties interested. It is at the option of the party applying for a summons to take it out either for Green Street or the Mansion House. In the latter case an additional fee is charged for the summons.

This court is held chiefly for the exercise of the summary jurisdiction given to the lord mayor, as chief magistrate of the city, by various statutes.

The cases usually entertained in it have been:—

1. Complaints by servants and labourers for wages. In these cases the lord mayor has jurisdiction to the amount of £5, of the late Irish currency, under the 54 Geo. III. c. 116.

2. Disputes between masters and apprentices.

3. Penal prosecutions against grocers and publicans for violation of the sabbath, contrary to the provisions of the statute 7 Will. III. c. 17, and of the 55 Geo. III. c. 19, s. 58.

4. Prosecutions against masters of vessels for having fires on board their ships in the Liffey, in violation of the statute 34 Geo. III. c. 8, (lately repealed by the 3, 4 Will. IV. c. 26.)

5. Prosecutions against butchers for slaughtering cattle in the markets contrary to the 17 Geo. II. c. 6, s. 4, by which the beast so slaughtered is, on conviction, forfeited for the benefit of the poor of the parish, and if not of the value of 10s., a fine of 5s. may be also imposed and given to the informer.

By the statute 7 Will. III. c. 17, a fine of 5s., of the late Irish currency, is attached as a penalty to the exposing goods for sale on Sunday, and a fine of 10s. is imposed on keepers of houses of entertainment, for giving entertainment to persons during the hours of divine service. The statute directs, that the whole of those penalties shall go to the poor of the parish in which the offence was committed, except that, in the case of the 5s. penalty, it authorizes the justice to give any portion thereof, not exceeding one-third, as a reward to the informer.

Under the 55 Geo. III. c. 19, s. 58, the penalty is £5, half to the prosecutor and half to the poor of the parish.

JURISDICTION.

None of the above penal Acts gives any power to add costs to the penalties imposed. The forms of proceeding in this court, where regularly observed, are similar to the ordinary course in cases of summary convictions, and orders, by justices of the peace.

Fees.

The Fees claimed on the proceedings are stated in the following table :

	£	s.	d.
Summons for the court - - - - -	0	1	3
Entering ditto - - - - -	0	0	5
Private summons for Mansion House - - - - -	0	2	6
Dismissal - - - - -	0	1	6
Oath of dismissal - - - - -	0	0	6
Notice of adjournment - - - - -	0	0	6
Warrant - - - - -	0	3	9
Cancelling indentures - - - - -	0	10	0
(If the parties are poor this fee is reduced one-half.)			
Information for committal of an apprentice - - - - -	0	3	4
Lodging notice of an appeal - - - - -	0	6	2
Lord mayor's signing adjudication for the quarter sessions - - - - -	0	6	2
Five per cent. on money lodged for a rehearing.			

The constables of the court also claim 1s. in the pound on warrants given to them to execute. This is paid by the plaintiff out of the amount levied, but not charged to the defendant.

A fee of 6d. is charged for each witness sworn to give evidence before arbitrators on cases referred to arbitration.

Observations.

The jurisdiction of this court, as exercised in civil cases, does not call for any particular observations; but the mode in which it has been applied in enforcing the penalties prescribed by the statutes above mentioned requires especial notice.

The informers are the constables in attendance on the court, including the staffines of the lord mayor. The usual number of them is six. No other persons are allowed to prefer informations. These constables are expressly appointed and sworn for the purpose of going through the city, and informing on persons found violating the provisions of the statutes. They appear to be in some instances in partnership in their proceedings, and one of them in partnership with the register of the court, the officer by whom the summons are issued.

No sworn or written information is lodged by these informers; but, on applying to the register for summonses, they give him a list of names of parties to be summoned, and he delivers to them the required number of summonses, generally in blank, charging for each the sum of 1s. 8d., being the amount of the fees of 1s. 3d. for the summons, and 5d. for the entry, as in the above table.

These cases are most commonly heard in private at the Mansion House. There is not any formal adjudication, or record, made up, nor return made to any public office, or authority, of the cases heard, or fines imposed; and the secretary's books merely state the date of the hearing, the names of the parties, and the fines, without any specification of the offence, or account of the disposal of the fines. No such account is published in any way.

The fines are generally paid without warrants being issued to levy them; and it appears that in some cases the secretary has abstained from issuing warrants in consequence of the irregularity of the proceedings and his apprehension of the consequences.

The fines imposed are, in the first instance, paid to the register of the Lord Mayor's Court, and he pays them over to the lord mayor's secretary, who deducts from the amount the fee due to him for the court fees on the proceedings. The fines are disposed of without much regard to the statutes under which they have been imposed. Generally one-half is given to the informer. The residue is paid over to the lord mayor, or disbursed by the secretary on his orders. We have not ascertained that any account is kept by the lord mayor, or his secretary, of the mode in which the moiety not paid to the informers is disposed of. The lord mayor disburses it entirely at his discretion for charitable purposes, instead of handing over the amount, as directed by the statutes, to the use of the poor of the parish in which the offence was committed.

There is no reason for supposing that any part of the amount is applied by the lord mayor to any other purpose; but we apprehend that the application of any part of these moneys in aid of the funds of the officer who imposes them, even to objects otherwise meritorious, is a departure from the express provisions of the statute; and is objectionable as appearing to give to the magistrate, to some extent, an interest in the result of the proceedings.

The lord mayor has refused to pay over the fines imposed on vessels for having fires on board in the Liffey to the churchwardens of St. Mark's parish, which adjoins the river, on the ground that the churchwardens could not show that half the river was in that parish; and even when they had, apparently, established the point, the parish did not succeed in obtaining the amount.

These fines were represented to us to amount in some years to very considerable sums. The amount is not capable of being ascertained, as they are sometimes mitigated, and, in some cases, part has been returned. There were in the year 1833 about 1,400 informations, and it was admitted that in that year the fines were about £200. Evidence was adduced to show that in other years they had far exceeded this sum. In one year they were admitted to have been £800. In some they were inconsiderable.

The existence of a very remarkable practice as to compounding for fines was admitted by the register of this court. The usual fine on a publican for breach of the sabbath is 4s. 7d., present currency, equal to 5s. of the late currency. It appears that, in the beginning of the year of office of the lord mayor, publicans on whom such fines may be imposed, instead of merely paying the fine, hand to the register £1, which they desire that officer to keep, not only to pay the fine already imposed, but to cover future fines for the remainder of the year. This sum is calculated as discharging three such fines, and the officers' fees on the summonses. The register informs the party that he shall not be again troubled for that year. The consequence is, that the informers of the office visit him as more, and he thus purchases a species of licence to violate the sabbath for the remainder of the year.

A nearly similar course appears to have been noted on in reference to fines on vessels having fires on board in the river; and evidence was adduced before us to show that the power of inflicting penalties for this offence had been resorted to as a mode of enforcing from the owners of oyster-boats the tribute of oysters claimed by the lord mayor.

In most cases heard in this court a right of appeal exists for the defendant to the next quarter sessions, on lodging notice whereof, a fee of 6s. 2d. is paid to the secretary or the register, and a similar fee is paid into the office for the lord mayor's signature to the adjudication to be returned to the sessions.

The defendant is also entitled, according to the practice of the court, to have a rehearing in every case, on lodging the money in court, with 5 per cent. on the amount. On each rehearing there are the same costs as in the case of an original summons, in addition to the poundage.

On the whole we feel bound to observe that the entire system of this court, as to penal prosecutions, appears to operate, if not to be continued, more to the creating a lucrative situation for the secretary, and emoluments for the staffmen and constables, than to serve the public interests by an effective administration of the law.

111. The chief Court of Civil Jurisdiction connected with the corporation is the Lord Mayor and Sheriffs' Court, held under the charters of John and other monarchs, giving jurisdiction of pleas to the citizens of Dublin.

The jurisdiction of this court is unlimited in amount, but causes of action under 40s. of the late currency are considered as excluded from its jurisdiction. It has cognizance of all personal actions.

The lord mayor and sheriffs are the Judges of this court, aided by the recorder as assessor. Both the sheriffs are summoned, and are generally present at the sittings of the court; but it is concerned that the business of the court may be proceeded with if the lord mayor and one of the sheriffs be in attendance. The presence of the lord mayor is indispensable.

The court sits every three months for the trial of records. These Times of Sitting have been fixed by the judges of the court, and not by charter.

Motions in Chamber are heard at the sessions house in the intervals between the sittings, generally before the recorder, without the presence of the lord mayor or sheriffs, and his aides afterwards receive the sanction of the lord mayor and sheriffs.

The lord mayor occasionally hears such motions without the recorder, but applies to the recorder upon any legal difficulty, who then hears the question discussed before him.

The town clerks are the registers and Prothonotaries of the court.

There are three kinds of Process issued from this court for the purpose of commencing proceedings.

1. An Action against the person. This issues on an affidavit, sworn before one of the judges of the court for a cause of action of £20, or upwards, upon which the town clerks, as the prothonotaries, issue and sign the action.

2. The second form of process is an Attachment against the defendant's goods to compel his appearance, which issues on an affidavit of the debt, sworn in the same way. The affidavits must, in both cases, specify that the causes of action arose within the limits of the city. The attachment is founded on a fiction. It supposes a previous summons, which is never served, or attempted to be served. It is, in form, issued to the serjeant at mace, at the same time with the attachment, but dated a week before. Upon this summons the serjeant at mace makes a formal return of "non est."

There are no fixed Return Days for the summons, attachment, or action. They continue in force for the lord mayor's year of office in whose time they issued.

The recorder has decided that the late statute, limiting arrest to debts amounting to or over £20, does not apply to the attachment against the goods, as not being a proceeding directly against the person.

The attachment is, as we have stated, merely a process to enforce an appearance. It is discharged on bail being given and an appearance entered.

This process is issued for debts of any amount over 40s.

3. The third form of process is that of Foreign Attachment. This is issued for the purpose of attaching money or goods of a defendant, in the hands of a third person. An affidavit of the debt is required.

It is generally suggested in the affidavit, but held not to be necessary, that the plaintiff understands that the third person has such money or goods in his hands.

CIVIL JURISDICTION.
Lord Mayor and Sheriffs' Court.
Amount of Jurisdiction.

Judges.

Times of present Sitting.

Motions in Chamber.

Prothonotary.

Process.

Action.

Attachment.

Return Days.

Foreign Attach-

ment.

JURISDICTION.

This process is also issued on a formal return of "*non est*," on a supposed summons. It is served on such third person, who is called the "*garnishee*."

Practice.

There is no book of the rules or Practice of the court. They are handed down in the usages of the office.

The present town clerks, a few years since, had made up to some extent, and returned to us, a printed summary of the practice of the court. When a difficulty occurs as to the practice, the judges refer to the prothonotary, upon whose report they act. The only material alteration made for some years in the practice of the court has been in the mode of taking bail. The prothonotary formerly took bail. It is now taken by the judges, or one of them.

The condition of the recognizance of bail is to render the body to the marshal or to pay the debt. It is the same in an attachment against the goods; and, in consequence, the body may be rendered in discharge of the bail in a case of a debt under £20, though not liable to arrest in the first instance.

In attachment cases the proceeding must be (and it has been so decided by the court) in the form of an action of debt, and not upon the case.

It must be for a cause of action for which an action of debt will lie at common law; and if the affidavit be defective in this particular, the attachment will be discharged.

In the forms and course of pleading the court observes the practice of the superior courts. The proceeding by foreign attachment is regulated by the practice of the city court of the corporation of London.

The execution of the process of the court has been noticed in our account of the offices of marshal and serjeant at mace.

Rules.

The court days for entry of Rules, &c., are Monday and Thursday.

A rule may be entered on either of the court days. A four-day rule had on Monday will not run out on the Thursday next after, as there must be four clear days. Thus, on a rule to plead given on Monday, the other party has all the following Thursday to plead, and a rule can be entered on his default until the following Monday.

However, if a rule for judgment be entered on a Monday, the party is entitled to send judgment on the Friday after, as of the preceding Thursday.

In bail cases the appearance is entered as of the court day previous to that on which the bail is actually taken, and the plaintiff may declare on the next court day.

In an undefended case execution may be had in 21 or 22 days after the seizure of the goods, or arrest of the person.

If a defence be made, and bail given by the defendant, he obtains the release of his goods out of custody, and in practice he cannot appear and defend the action without giving bail, even although his goods may continue under seizure.

In cases of actions against the person, undefended, there is an interlocutory judgment, and the course of holding the writ of inquiry on it is the same as in the superior courts. But in attachments the judgment is final in the first instance, the action being in debt.

Writs of inquiry are held before the marshal.

The ordinary computation of the sum due on judgments by defendants is done in the town clerk's office.

The rules entered in each cause are posted in the town clerk's office, where it appears upon an affidavit that a search has been made for the residence of the party whose goods are attached, and that he has no residence within the jurisdiction at which he could be served.

When the party is known, and his residence is within the jurisdiction, the service must be made accordingly.

Removal of Cases.

Cases are frequently removed by writs of *certiorari* and *habeas corpus* for delay, and it is in evidence before us that this liability of removal diminishes the business of the court, and is productive of great inconvenience to the suitors.

Privilege of a Freeman.

In proceeding by action against the person of a Freeman, upon notice of the action being issued, he is allowed 24 hours to enter common bail, which he may do.

Freemen are not exempt from attachment of goods. That exemption has been claimed in some cases, and the question was discussed before the recorder, but the claim was not allowed. Of late years, since the limit of £20 was established, actions against the person are not frequent.

In the proceedings by attachment, the recognizance of bail is regulated by the amount of the debt sworn to in the affidavit, and not by the value of the goods seized.

There have been occasional proceedings against bail by *scire facias*.

No table of fees is posted in the town clerk's office.

Costs, by whom taxed.
Fees reduced.

The Costs are taxed by the town clerks.

A table of Fees was drawn out some years since. It was subsequently reduced in amount, as the attorneys complained the fees were too heavy on their clients.

Attorneys.

The Attorneys of this court must previously be admitted in one of the superior courts. They pay six guineas in this court as a fee with the stamp duty on their admission.

This fee of six guineas is divided between the lord mayor, sheriffs, and town clerk.

It is stated that in practice there is seldom more than two guineas charged, which is the town clerk's portion of the fee.

All pleadings are signed by counsel; but such signature is not considered necessary in actions for less than £5, though in point of fact pleadings in such actions have been so signed.

Costs to Execution.

The Costs of bringing to Execution an undefended action for £10 are about £5.

The judges of the court think they have no power of granting New Trials, and never grant any. This we think a defect in its practice, especially as the jurisdiction is unlimited in amount.

JURISDICTION.
New Trials.

Ejectments and Replevins are never tried in this court.

In practice any person, though not a citizen or freeman, may sue in this court, and it holds pleas of all debts contracted in Dublin, without regard to the residence of the parties.

Ejectments and Replevins.

All writs of execution issue to the marshal, who returns them to the town clerk's office when requested, if so required by the plaintiff's attorney.

The present reduced table of Fees and Costs, before alluded to, is not now complained of. The fees had been, before their present reduction, increasing for many years, and we have been informed they are now, on proceedings under £20, as low as it is possible to make them on such proceedings, which are in form the same as in the superior courts.

Present Scale of Costs and Fees.

Very few causes come to trial.

The town clerk is of opinion that the proceeding by attachment has a tendency to procure the settlement of demands sooner than they otherwise would be, as a defendant can secure his person from arrest easier than he can his goods.

It is a proceeding which he says the citizens would not like to lose; it has been abused. It is now better regulated, and he has not heard any complaints that goods have been sold at an undervalue under this process.

When a cause in this court is brought to Trial, the course of proceeding is the same as in the superior courts, except that Judgment is marked *Instanter*, on the verdict being brought in.

Trial and Judgment *Instanter*.

There is no opportunity of moving in arrest of judgment; any point that might lead to such a motion must be discussed before the case is handed to the jury.

The Sittings for trial of Records are quarterly; and, from the small number of cases brought to trial, it does not appear that any practical inconvenience arises from that arrangement.

Record Sittings.

The court would appoint (we are told by the town clerk) a day for the trial of any cause on satisfactory affidavit, stating a risk, or great inconvenience, to the parties, such as may arise from a witness being about to leave the kingdom; and that he knew an application of this kind granted.

The business of the court has decreased very much in the time of the present town clerk, which he attributes to the power of removal to the superior courts.

Writs of error are occasionally brought, the returns to which do not state under what authority the court is held, whether by charter or otherwise.

The town clerk recollects only one writ of error successful, and that was for some mistake of the attorney. There was nothing in it involving any question as to the jurisdiction of the court.

The right of issuing attachments, we were told, had been tried about 20 years ago, on a special verdict in a replevin suit in the King's Bench, and the right was held to exist. We are not furnished with a copy of this record.

The recorder receives no fees in this court.

The Fees of the Sergeants at Mace upon attachments are,

Fees of the Sergeants at Mace.

One shilling in the pound on the first £10.

Sixpence on every pound after, as high as £50, and for this they must execute process to any amount above £50.

They have the same fees on process against the person, and are entitled to 6d. on a fractional part of a pound.

The fees payable to the marshal on final process are regulated by the amount of the debt, and have been already stated. He has fees on the sale of the goods, even though the sergeant at mace has charged his fees on the same goods, when seized under the attachment.

Upon a judgment by default, when goods have been attached, the plaintiff, before execution issues, enters into a recognizance. Upon the judgment being signed, a writ immediately issues to the marshal to appraise the goods, and the plaintiff's recognizance is in double the amount of that appraisement. This recognizance is generally entered into by the plaintiff and some responsible person with him, and is conditioned that the plaintiff shall have the appraised amount forthcoming for a year and a day, in case the defendant shall come forward and disprove the debt.

The town clerk has never known a defendant to come forward under these circumstances; and he also thinks that the proceedings would be unnecessary without such recognizance, which is set out in returns to writs of error.

In process of foreign attachment, costs are given against the garnishee only down to the judgment; and no costs are given to either party on the *scire facias* against the garnishee, there being no power in the court to give them.

Upon the whole of the evidence relating to this court it appears to be desirable that the recorder, or some other legal person, should be constituted a member of it, that the jurisdiction should be limited in amount, and the power of removal of causes by *Ambar* copies and *certiorari* should be restricted, or abolished.

112. The Civil Bill Court for the county of the city of Dublin is held, as stated in our account of the functions of the recorder, under the statute 31 Geo. II. c. 16. Jurisdiction in cases of judgment for non-payment of rent is given to the recorder by the general statutes giving such jurisdiction to assistant barristers.

Civil Bill Court.

An appeal is given by the 31 Geo. II. c. 16, s. 5, to the chief justice of the Court of King's Bench or Common Pleas, or chief baron of the Exchequer, sitting at Nisi Prius.

JURISDICTION.

This is a court of record under these statutes, and by the 39 Geo. III. c. 25, s. 7, must be held four times in the year, as nearly as may be at equal distances from each other.

Cases of contract within the jurisdiction of the Court of Conscience cannot be brought into this court, as, by the 31 Geo. II. c. 16, the debt sued for must be over 40s. The utility of such a court, held for the recovery of small debts before competent professional judges, and from this restriction, much diminished.

The clerks of the peace are the registers of the court for the trial of ejectments. In cases of contract the register is an officer appointed by the recorder, under the 31 Geo. II. c. 16, s. 4.

The fees of the court are the same as those paid on such proceedings in the Civil Bill Courts of assistant barristers.

By the 31 Geo. II. c. 16, s. 2, every dismise and every decree for any sum under £33 must, in the first place, be attempted to be levied on the goods of the person or persons against whom such dismise or decree shall be obtained. Execution against the body may be issued if the debt be not levied or paid within three months after serving the party with a copy of the dismise or decree.

This court is now held in the months of January, April, July, and October, on the 20th of each month. There is business for two or three days' sittings. The number of civil bills in cases of contract is stated by the recorder to average about 300; and of civil bill ejectments about 12 in each quarter.

Juries are very seldom resorted to in this court, and the recorder stated, that, as far as he could observe, he found very little desire on the part of the suitors to resort to a jury.

Court of Conscience.

113. The Court of Conscience is a court held for determining causes between party and party, under the value of 40s. of the late currency.

In the statute 39 Geo. III. c. 15, s. 15, before noticed, this jurisdiction is stated to have been held from time immemorial, and it was thereby established, ratified, and confirmed.

We have noticed the provisions of this Act, and of the 11, 12 Geo. III. c. 11, s. 71, respecting the president of this court and his deputy.

A recent enactment, 1, 2 Will. IV. c. 31, s. 23, gives in certain cases a right of appeal to the judges of the superior courts sitting at Nisi Prius.

Judges and Officers.

The Judges of this court are the president, (who, as already stated, is the lord mayor of the preceding year,) or his deputy, appointed in the manner we have before described, and one or more assistants from the sheriff's peers.

The Officers are the register and bailiffs.

Times of Sitting.

The Time of holding the court is from 10 o'clock in the morning, every day, until the business of that day is disposed of, which generally occupies from two to three hours.

Jurisdiction.

The court appears to take cognizance of all cases of debts contracted within the county of the city of Dublin, including demands for seamen's wages. It also exercises jurisdiction on claims arising from the detention by tradesmen, &c., of articles delivered to them to be manufactured; and from the sale of bad or unmerchantable articles.

Corporate Claims.

In several instances demands of their fees, or perquisites of office, by the officers appointed by the corporation or the guilds, have been entertained in and enforced by the adjudication of this court.

Thus we find that the claims of certain officers, who were, until very recently, appointed by the guild of merchants, called coal-meters, to a charge of 6d. per ton all coals imported into Dublin, was enforced in this way. A prohibition was, indeed, in one case, awarded by the Court of King's Bench to proceedings in the Court of Conscience for this duty, but the decision was founded, not on any objection to the suit, as being before a corporate officer, for a Corporate Claim, but on the ground that the course adopted to bring the pecuniary amount of the demand within the jurisdiction of the court, as hereinafter noticed, was a splitting of the alleged cause of action.

The demand of transferable free tickets of admissions by the city sheriffs to places of public exhibition appears also in one instance to have formed the subject of a suit in this court, by the parties to whom such tickets had been given, for sums paid by them for admissions, on the refusal of the proprietor to admit them on the tickets. Decrees were given against him for those sums with costs, and the amount levied by arrest.

The rents of apartments in the City Marshalsea are sued for in this court by the keeper of that prison; this subject will be more fully noticed in our account of the Marshalsea.

The fees of the bailiffs of the court itself, for the execution of its process, form also one of the subjects for which suits are entertained in it.

Appeal.

It is in reference to corporate demands that the right of Appeal, above noticed, has been given by the statute 1, 2 Will. IV. c. 31, s. 23.

This enactment gives this right of appeal to the party aggrieved by the decree or order of the Court of Conscience "in any suit for any demand, fee, wages, or sum of money claimed by reason of any office, station, place, or employment, in the gift or nomination of the corporation of the city of Dublin, or any guild thereof, or of any officer elected or appointed by the said corporation, or any guild thereof."

This section provides, "That nothing in the Act contained shall give or be construed to give to such Court of Conscience any jurisdiction whatsoever in any case which such court did not possess before the passing of this Act."

Practice.

The office of president of this court is a principal source of emolument to which the lord mayor looks to reimburse him the expenses of his mayoralty. A still stronger inducement to

the increase of business in the court is created in the acting judge, by the system in some years adopted of farming the office for very considerable sums. The inferior officers of the court, the register and bailiffs, derive their respective emoluments, the former chiefly, the latter altogether, from fees. Thus the multiplication of suits, and consequently of fees, is an object of interest to every branch of the establishment, and the existence of this motive can alone, we think, account for many parts of the Practice of the court which are noticed in the following detail.

The Fees appear to be, in some respects, in the discretion of the court. They have been considerably increased, in one case trebled, within the last 20 years, and new fees introduced not before enacted. Since the change of currency in 1825, the fees have been demanded in the imperial currency, thus adding 8½ per cent. to their actual amount.

The course of proceeding in this court is by Summons. There are not any written complaints or pleadings, and the cases are heard and decided summarily by the president or his assistants, without, in any case, the intervention of a jury.

There are three descriptions of summons, commonly distinguished by the names of black, blue, and red.

The black summons is the ordinary process of the court; the fee paid for it was formerly 6d., it is now 10d. By this summons the defendant is required to appear on the day next but one after the date of it,—an interval which, in many cases, must be unreasonably brief; yet for an increased fee of 1s. 1d. the complainant may obtain a still more expeditious hearing by issuing the blue summons, which is called the immediate summons, and requires the appearance of the defendant on the following day.

This precipitate course of procedure naturally leads to great Abuse. The summons may be served by the plaintiff or any one employed by him, or by the bailiffs of the court; there does not seem to be any rule as to the time of service, and it happens that the summons is sometimes served on the very day of hearing, and the party coming at once to the court finds the case already decided against him in default of his appearance. Under some presidents the payment of a fee of 2d. for expedition has enabled a plaintiff to obtain a precedence for the hearing of his cause. The defendant, thus deprived of the opportunity of defence, has to remedy but to take out a summons for a rehearing, as presently described.

On the case being called on, the plaintiff pays a fee of 5d. for the entry of the summons. If the defendant does not appear, the plaintiff is sworn to the service of the summons and the amount of the debt, and obtains an order for payment of it, the fee on which is 1d. If both parties appear they make their respective statements without oath; but if either requires his adversary or his witnesses to be sworn, he must pay a fee of 5d. for each oath administered. If the decision is in favour of the plaintiff he obtains an order as before; the order includes the fees for the summons and entry, and the fees paid by the plaintiff for the witnesses sworn at his request.

Should the defendant decline payment, the plaintiff is entitled to a Warrant against him for the debt and costs, but the amount in the whole cannot exceed 40s. of the late currency, including the fee paid by the plaintiff on the warrant, which is now 3s. 3d., having formerly been only 1s. 1d. This warrant is against the person of the defendant, and is executed by the bailiffs. If arrested, the defendant is committed to the City Marshalsea.

The bailiffs have a poundage on the execution of the warrant, namely,

	s.	d.
For any sum not exceeding -	10	0
Above 10s. and not exceeding -	20	0
" 20s. " - - - - -	30	0
Exceeding 30s. " - - - - -	40	0

These Fees, as already noticed, are sued for by them in the court, if not paid by the plaintiff.

If a warrant remain unexecuted at the expiration of the year of office of the president, the plaintiff must take out a new warrant from his successor, paying a fresh fee of 3s. 3d.

Imprisonment under the warrants of this court has been restrained by the provisions of the statutes 33 Geo. II. c. 16, and 34 Geo. III. c. 18.

By this latter statute (s. 1) it is enacted that no person committed to the Marshalsea, or other prison, by order of the Court of Conscience, when the debt does not exceed 30s., shall be kept in custody, on any pretence, more than 20 days from the time of committal; and where the debt does not exceed 40s., more than 40 days from the time of committal; and the marshal, gaoler, &c., are required to discharge them accordingly. The periods of imprisonment had been by the 33 Geo. II. c. 16, s. 17, limited to three and six months, in the same cases. The second section of the 34 Geo. III. c. 18, directs that such persons shall be set at liberty without paying any money, fees, &c., by way of goal-fines, fees for discharge, or on any pretence whatsoever; and prescribes a penalty of £5 on the marshal, gaoler, &c., taking any fee on such discharge, or detaining such prisoner after the expiration of the aforesaid term.

The keeper of the Marshalsea considers this prohibition as not extending to his charges for rent of the apartments in the prison.

Should the defendant, on being arrested and committed to the Marshalsea, pay the debt to the keeper of that prison, the plaintiff must pay a fee of 6d. for an order to draw the money from that officer, and the defendant must obtain an order for his discharge, for which a like fee of 6d. is demanded. This order, it is stated, cannot be obtained before three o'clock in the

JURISDICTION.

day,—an arbitrary and oppressive arrangement, for which we are unable to assign a reason. In consequence, a party arrested after that hour cannot, even by paying the amount in the warrant, obtain his discharge before three o'clock on the following day.

Such is the course of proceeding in cases where the order in favour of the plaintiff is submitted to by the defendant.

Rehearings.

But, in case the defendant wishes to contest the justice of the order, he may do so by a Rehearing of the cause. The practice of the court, as to this power or privilege of rehearing, is very peculiar and extraordinary, and is, we apprehend, too much the result of that pecuniary interest in the increase of business in the court, which all its arrangements give to the judges and officers.

In every case where the defendant seeks a rehearing, even where the cause has been decided in his absence, on a summons served, perhaps, only a few hours before, he must lodge with the register of the court, or with the bailiffs or keeper of the Marshalsea, to be by them handed to the register, the amount of the sum decreed, and costs, with a further sum for poundage, according to the amount of the debt, at the rate of £5 per cent. This poundage is retained by the register, whatever be the event of the rehearing. He must then take out a red, or rehearing summons, for which he pays a fee of 1*s.* 8*d.* This is served and proceeded on as an original summons, with the same fees for swearing witnesses, &c.; but if, on the rehearing, the defendant succeeds in reversing the original order, he cannot on that process recover the costs he has been thus put to. For these costs, if he wishes to recover them from the original plaintiff, he must issue a new black summons, and proceed on it as in an entirely new case, in which the former plaintiff becomes a defendant, and who may, in his turn, try this demand for costs over again, by a similar rehearing summons, if the order be against him. Even the original cause of action is not decided conclusively by the reversal on a rehearing; the plaintiff may issue a fresh black or blue summons, and commence the litigation again for his demand, and the same process of hearing and rehearing may be thus repeated without any definite limit in the rules of the court. A case was stated to us in which the plaintiff had drawn the money lodged for a rehearing out of court, or obtained it from the bailiff before the rehearing. The decree was reversed; the defendant was then obliged to commence, by a fresh summons, to get back the money lodged; he obtained an order for the amount, and the original plaintiff then issued a summons for a rehearing of this second suit. He was, however, defeated; but there were thus four suits instituted, and fees paid in all, to try the same question, and the original plaintiff, if he pleased, might have resumed the litigation, by new process, as if no trial at all had taken place.

Dismiss.

If the case is decided in favour of the defendant on the original hearing, he may take out an order for a Dismiss, for which a fee of 5*d.* is charged, but he cannot, on the order, recover this fee, or any fees he may have paid for swearing witnesses. For these costs, if he seeks to obtain them from the plaintiff, he must take out and serve an original summons, with the usual fees, &c. &c.

The whole course of these proceedings appears to us to have no useful object whatever in reference to the suitors of the court, and to tend to no purpose but the encouragement of petty and vexatious litigation, and the consequent increase of emolument to the judges and officers.

Splitting Causes of Action.

The Splitting a Cause of Action, so as to divide it into numerous separate demands, each within the pecuniary jurisdiction of the court, appears to be in some cases resorted to by suitors, and not discouraged by the court, to which this practice brings additional business and fees.

Coal-meter's Case, &c.

Thus, in the Case of the Coal-meter's claim, already noticed, the metage on board the same vessel and of the same cargo was made the subject of a distinct claim and summons at each stage of the delivery at which it amounted to about 30*s.*, the coal-meter at three periods making a demand of the sum, in order to bring his claim within the jurisdiction of the court.

In a very recent instance of this abuse the demand arose out of the sale of a parcel of leather, for a sum exceeding £30, to a shoemaker, who had it made up in the articles of his trade, and sold to several persons, some of whom afterwards returned them, as made of unsound materials. On each occasion of this nature the shoemaker proceeded by summons in the Court of Conscience against the seller of the leather, as upon a distinct transaction, for a sum within the jurisdiction. Three of these summonses were stated to have been tried in the same week. The defendant in all of them objected to the jurisdiction, but his objection was overruled, and the amount decreed against him.

Suits against the Bailiffs.

The defalcations and misconduct of the Bailiffs of the court in reference to money deposited with them for rehearings, or paid by defendants, appear to be a frequent cause of complaint. No superior or more responsible officer is liable for their default, and the only mode of redress left to the party whose money may be thus appropriated or withheld is to sue the bailiff or his sureties for the amount,—a proceeding not always attended with success, from the insufficiency of the sureties.

No Court Books.

There are no public Books or records of the Court; these kept by the register are considered the private property of the president for the year, who sometimes takes them away,—a practice tending to much inconvenience, and obviously calculated to facilitate fraudulent demands of moneys previously recovered, and prevent any effective check on the institution of fresh suits for the same cause of action.

The average number of summonses issued in the year is from 22,000 to 24,000; the Number of Causes heard is about two-thirds of the summonses issued, and the number of warrants about 2,500.

The proportion of the Fees payable to the Register are,

	d.
On each warrant	9½
On each order	6
On all affidavits filed in the court	6
On each search	2
Notice for attendance on adjournment	3
For issuing a summons after three o'clock	3
On an immediate summons	3

Register's Fees.

And the entire postage on lodgments of money.

It is a subject of complaint that persons not in the profession are permitted to practice as Attorneys in this court, and take fees from the suitors. This matter does not, however, appear at any time to have been brought under the notice of the court, with a view to its correction. A person connected with the lord mayor's office was mentioned as practising for four or five years in this manner.

Attorneys.

We attribute much of the abuses which prevail in the practice of this court to the system which gives so immediate an interest to its judges and officers in the fees payable by the suitors. The practice of rehearings deserves particular attention in any considerations for the improvement of this jurisdiction, and it is in our opinion very objectionable, in so extensive and populous a district, that the hearing of causes should be proceeded with on as brief a summons as is sanctioned by this court. A very moderate scale of fees would provide an ample fund for the well-regulated expenses of the court; and it is, we conceive, of the first consequence to the due administration of justice in this tribunal that the president should be a permanent officer, and that he and the several officers of the Court should be remunerated for their services by fixed salaries.

Observations.

114. The following Gaols are locally situate within the county of the city of Dublin, or connected with its criminal and civil jurisdiction.

Gaols.

Newgate.
Four Courts Marshalsea.
Sheriffs' Prison.
City Marshalsea.
Smithfield Penitentiary.
Richmond Bridewell.

The Four Courts Marshalsea, which is a prison for debtors only, is exclusively under the control and superintendence of Government, independent of the city authorities and grand jury. We do not, therefore, propose to make further mention of it in this Report.

A local inspector of the other prisons (except the City Marshalsea) has been appointed by the city grand jury under the 7 Geo. IV. c. 74, s. 65. This officer occasionally also visits the City Marshalsea, but does not exercise any authority over it.

General Superintendence of

The salary of this officer is £400 per annum, paid by presentment of the city grand jury. The provisions of the 7 Geo. IV. c. 74, for appointing a Board of Superintendence by the grand jury, do not extend to the city of Dublin, and the duties of such a board are here left in the hands of the general body of the grand jury.

The divisional justices of the police district of the metropolis are, by the Police Act, 48 Geo. III. c. 140, s. 93, bound to visit and inspect, not less than six times in each year, all gaols, houses of correction, marshalseas, and other places within the district for the custody of persons confined for debt, or charged with or guilty of any treason, felony, &c. and as often as it shall to them appear necessary or expedient to report the state and condition of such gaols, &c., with their observations and remarks thereon, to the chief secretary to the Lord Lieutenant, or in his absence to the under secretary for the civil department, and to the judges of the Court of King's Bench.

Special powers are given by sections 91 and 92 to the divisional justices over the houses of correction; these powers will be presently further noticed.

115. The gaol of Newgate was made a gaol for the county and county of the city of Dublin for the purposes of the execution of commissions of oyer and terminer, &c. under the Irish statute 3 Geo. II. c. 15. To this prison all offenders within the county of the city of Dublin, and that part of the county at large which is within the Circular Road, are committed for trial. It is also the place of confinement of persons sentenced for short periods of imprisonment by the Court of King's Bench, the Commission and Quarter Sessions Courts, and for transport convicts.

Newgate.

It is also a prison for debtors. The class of debtors committed to it appear to be persons arrested by the coroners; they are very few in number.

We have already stated the mode of appointment and emoluments of the governor of the prison. The other Officers exclusively attached to it and their respective salaries are,

	£.	s.	d.
Deputy governor, per annum - - -	200	0	0
Clerk - - - - -	78	0	0
Five turnkeys, each - - - - -	52	0	0
Hospital superintendent - - - - -	54	12	0
Two matrons - - - - -	50	0	0
Sergeant of the guard - - - - -	61	2	0
Five privates of ditto, each - - - - -	36	5	0
Seven ditto, ditto - - - - -	28	12	0
Schoolmaster - - - - -			

The guards receive two suits of clothing per annum.

The governor receives six prisoners' allowances of provisions: the deputy governor, five, matrons and clerk, two: the turnkeys and guard, and hospital superintendent, one each.

The other officers who attend the prison are, a chaplain of the Established Church, a Roman Catholic chaplain, and a Presbyterian chaplain, a physician, surgeon, and apothecary, all appointed by the grand jury under the provisions of the 7 Geo. IV. c. 74.

The deputy governor and clerk are appointed by the governor: the turnkeys, matrons, guards, &c. are appointed by the grand jury.

Until within a few years past the duties of a guard were performed by a detachment of the military. On their being withdrawn the present establishment was substituted.

The Protestant chaplain is also chaplain to the Sheriffs' Prison and Smithfield Penitentiary. He is one of the curates of the parish of St. Michael's, in which Newgate and the Sheriffs' Prison are situate. His salary for attendance on all these prisons is £65 per annum.

The Roman Catholic chaplain of Newgate is also chaplain to the Sheriffs' Prison. His salary is £45 per annum.

The Presbyterian chaplain holds the same office in the Sheriffs' Prison, Richmond Bridewell, and Smithfield Penitentiary. His salary is £100 per annum. The same individual is also Presbyterian chaplain of the Four Courts Marshalsea.

The physician and surgeon also attend the Sheriffs' Prison, City Marshalsea, Richmond Bridewell, and Smithfield Penitentiary.

The salary of the physician for these services is - - -	£400	0	0
Of the surgeon - - - - -	400	0	0

The apothecary of Newgate is also apothecary to the Sheriffs' Prison.

The salaries of all the officers and the general expenses of the prison of Newgate, and maintenance of the prisoners, are defrayed by grand jury presentment from the county of the city of Dublin; there are not now any charges made to debtors for rent of the apartments.

Many and serious deviations from the system of prison discipline prescribed by the statute, 7 Geo. IV. c. 74, occur in this prison, both in the classification of prisoners and other arrangements; they are chiefly attributable to the defective accommodation afforded in the prison for the numbers committed to it.

The average number of weekly committals is about 50, and the number of prisoners has varied from 300 to 300, of whom about one-third are females. The prison is stated to be capable of accommodating about 300 prisoners, but we were informed by the local inspector that he has known 400 confined in it, and the present governor said there were so many prisoners when he was appointed (about five years since.) He attributes the diminution in the numbers partly to a diminution of crime, and partly to the more frequent infliction of the punishment of transportation.

The 21st rule prescribed for the government of prisons by the 7 Geo. IV. c. 74. s. 103, and to be observed in every prison so far as shall be practicable therein, is, that "Every prisoner shall be provided with suitable bedding, and every male prisoner with a separate bed, hammock, or cot, either in a separate cell, or in a cell with not less than two other male prisoners."

The arrangements of Newgate appear not to admit of the observance of this rule; it is stated by the governor that he has very often six prisoners, and sometimes eight, in each cell, two in a bed.

This defect of accommodation also prevents that classification of the prisoners which the statute provides for, and is further productive of inconvenience in the non-residence of some of the officers of the prison.

The governor, on this account, does not reside in the prison; his residence is, however, in an adjoining house. The head matron is non-resident, she attends the prison only during the day; she resides at about half a mile's distance from the prison, and does not come to it earlier than ten or eleven o'clock. Two only of the turnkeys are resident.

Difficulties in the observance of the material points of prison discipline, as the prohibition of the introduction of spirits, &c. appear to exist.

The schoolmaster seems to be a very objectionable person for such a situation. It is admitted that he has been twice committed to the prison by the magistrates for assaults within a short period.

Some evidence was given before us of suspected interference by this individual, and other persons admitted to the prison, with the religious tenets of the prisoners, but we had not any statement of that nature from the Roman Catholic chaplain, or from any individual upon whom the exercise of such influence had been attempted. The governor's account of the schoolmaster was, that he made the prisoners who chose to be instructed read, write, and learn arithmetic, and read religious books; that he had never heard him use controversial

arguments, but that he was what is vulgarly called "a Biblical." He also stated that there was a committee of Protestant ladies who attended the females, to converse with them on religious subjects, and that one or two of them attended two or three times a-week; that he never heard of any complaint made by any of the Roman Catholic prisoners, male or female, of an interference with their religious belief; that the Roman Catholic chaplain attended the prison, probably, every second day, and that the Sisters of Charity attended there also.

The official authorities by whom the prison is at different periods inspected, are the term grand jury, who visit it at May and November; occasionally the quarter sessions grand jury; the sheriffs; the police magistrates, sometimes, but not often; the local inspector three times a-week, on an average; and the inspectors general of prisons twice a-year.

The provisions of the 7 Geo. IV. c. 74, s. 104, &c. for giving work to poor prisoners, are wholly unattended to in this prison, a further consequence of the want of proper and sufficient accommodation for its inmates.

116. The Sheriffs' Prison is a place of confinement for debtors arrested under civil process, Sheriff's Prison, by the sheriffs of the county of the city.

The mode of appointment, and the emoluments of the keeper of this prison, have been already noticed.

The other officers exclusively attached to it are appointed by the keeper: their descriptions and respective salaries are,

	£	s.	d.
Head Turnkey, per annum	78	0	0
Two Turnkeys, each	52	0	0
Watchmen and Assistants	52	0	0
Sosurer	26	0	0
Nursotender	30	0	0

By the 7 Geo. IV. c. 74, s. 128, this prison and the keeper of it have been placed under the control of the Court of King's Bench, and made subject to such rules and orders as shall be made by the court for the government of the prison, and the regulation of the rate of rents for the lodging and accommodation of prisoners, and of the fees to be taken by the keeper.

This prison is, by the 139th section of the Act, excepted from the clauses of it which abolish goal-fees.

The expenses of this prison are provided for under the 129th section of the 7 Geo. IV. c. 74, which enacts, that if the amount of rents and fees to be established for the Sheriff's Prison shall at any time appear to the grand jury of the county of the city of Dublin to fall short of the amount necessary to provide a sufficient salary to the keeper of the prison, together with sufficient sums for the payment of the hatchmen, and other officers and servants necessary for the safe custody of the prisoners, or the discipline of the prison; the grand jury at any presenting time may make presentment of the sum necessary to supply the deficiency. The grand jury is also empowered to present such sums as they shall think requisite for the repairs, or other necessary expenses of maintaining the prison. "Provided always that the salary of the keeper of the said Sheriff's Prison, including all rents and fees allowed to be received by him, shall not in any one year exceed the sum of £500 over and above the salaries paid by the keeper of the said prison to the hatchmen, and other officers and servants in the prison, to such amount as shall be approved of by the court at each presenting term."

The rates of rent and fees to be taken in this prison were fixed by the Court of King's Bench, under the authority of this Act, in the year 1826. They annually produce from £350 to £370; the residue of the sum necessary to defray the expenses is provided by the grand jury under the powers above recited.

The rates of lodging vary from 1s. 7½d. to 16s. 3d. per week, according to the accommodation, except for the common halls, in which the charge for each prisoner is 7d. per week. The number of apartments in use in the prison is 32.

The fees established by the court are,

	s.	d.
To the keeper from each person confined under execution, for each execution	13	4
To the turnkey on discharge	1	7½
To the keeper from each person confined under mesne process	6	8
To the same from each person confined under a civil bill decree	3	4

This scale of rents and fees is in the late Irish currency.

The number of prisoners confined in this prison is very fluctuating; it is calculated to accommodate about 60, which was the number at the immediate period of our Inquiry. The keeper stated that 85 prisoners was the greatest number he had in it at one time, and that about two months before the inquiry the number was only 35. He added that about half of all the prisoners are discharged under the Insolvent Act.

The keeper accounts on oath to the grand jury for all the fees and rents received. We cannot reconcile his statement as to the rents received for furnished apartments, with what we apprehend to be his duty in accounting for them. The table of rents contains the following charges as to furnished rooms,

	s.	d.
If let to one person, to pay per week	16	3
If let to two, each person to pay per week	11	4½

JURISDICTION.

The keeper's statement to us is, that furnished rooms are charged 11s. 6d. per week to the prisoners, and should three persons occupy one room they pay each 11s. 6d., (being in all £1 14s. 6d.) and that in the return to the grand jury the charge would be only stated at 12s.

The keeper does not reside in the prison; his residence is distant from it about half-a-mile. The general regulations approved of by the judges of the Court of King's Bench provide as follows for the payment of the prison rents:—

Rule 2. Each person shall be appointed to a room according to seniority in confinement, upon depositing in advance three weeks' rent with the keeper which is to be accounted for by the day, to such prisoner at the time of his discharge, should that happen before the three weeks are expired.

Rule 3. When a prisoner shall be indebted for more than three weeks' rent of his room, the keeper may remove such person to a common hall.

The power given by the latter rule appears to have been very sparingly exercised. The keeper states that it is very difficult to collect the rents; it is endeavoured to collect them weekly.

This prison is visited by the local inspector three or four times a-week. It is also visited by the inspectors general.

The city grand jury appear to exercise a degree of authority and superintendence over this prison. By a late regulation (7th May 1832,) the grand jury ordered that no visitor be permitted to enter the prison after 5 o'clock, and that the prison be entirely cleared of strangers at 7 o'clock in the evening; that the laws and regulations relative to spirituous liquors be strictly enforced, and that no person be admitted without strict examination; and that the sheriffs and the keeper of the prison be required to cause such prisoners, as were legally entitled thereto, to be removed by *habeas corpus* to the Four Courts Marshalsea.

City Marshalsea.

117. The City Marshalsea is exclusively a debtors' prison.

The prisoners committed to it are principally persons arrested under warrants of the Court of Conscience, and process of the Lord Mayor and Sheriffs' Court: also under country warrants from assistant barristers, backed by the city sheriffs.

The only officers of this prison are the keeper, whose mode of appointment and emoluments we have stated, and two assistants, or hatchmen, paid by him. There is also a surretender who is paid a salary of £10 a-year by the corporation.

The corporation provide some occasional repairs to this prison. About five years since, shortly after the appointment of the present keeper, they appear to have expended £131 6s. on its repair; this sum, and the surretender's salary, are charged in the city accounts to the slippage and anchorage. Trifling sums for whitewashing, &c. have been since provided by the lord mayor, but we do not find any separate mention of such expenditure in the accounts.

The accommodation for prisoners in this prison consists of 10 apartments, and the common hall for male prisoners, and two apartments for females; there is also a part of the prison called the Hotel, which is furnished by the keeper, and occupied by prisoners. The average number of prisoners confined in the City Marshalsea is from 30 to 40; there were 40 in it at the time of our inquiry; and the keeper informed us that he had, at one time, 80 prisoners. The number of committals in the year is from 800 to 900.

The rate of rent charged here to each prisoner for one of the ordinary rooms, is 4s. per week, but the great majority of the prisoners appear to be persons who cannot afford to pay this rent, and who, in consequence, remain in the common hall, for which the keeper states that no charge is made, unless in cases of persons obtaining their discharge by settling with their creditors, when they are charged 2s. 6d. fees, and at the rate of 1d. a-night for the common hall. This common hall is described as a room about 35 feet in length, and 18 broad, and about eight feet six inches in height. The persons confined in it sleep on a guard bed; and on the first day of his attending our inquiry, the keeper stated there were 34 or 35 inmates of it, one of whom was a female. On a subsequent day the number was stated to be 20. The charity of the lord mayor and city treasurer, and other individuals, provides coals for a fire in this apartment in winter. The inmates of it, as may be concluded, are very poor; they sometimes get out of prison by pawning their clothes. Their wretched condition is at times relieved by the charitable interference of benevolent individuals who procure their release, and in some cases they are indebted to trifling sums provided by casual charity for their necessary support.

There is no provision made by law for the maintenance of the poor prisoners.

They are chiefly prisoners under Court of Conscience warrants, for sums varying from a few shillings to £1 16s. 10d., the limit of the jurisdiction of that court, and each of these warrants includes from five to six shillings of costs.

To those who are able and willing to afford payment, the charge in the separate apartments is, as we have stated, 4s. a-week, and this charge is the same to each of any number who may occupy a room. If the prisoner is detained less than a week, the charge is 1s. a-night. The charge for accommodation in the hotel is 10s. a-week to each person; it contains only two beds.

The keeper of the Marshalsea, as we have stated, considers that the provisions of the statutes we have noticed, requiring persons committed under warrants from the Court of Conscience to be discharged after a certain number of days, without fines, do not prevent him from claiming from such persons the rents agreed to be paid by them for the apartments in

this prison. He accordingly, except from prisoners who have remained in the common hall, requires payment from such persons of the stipulated rent before discharging them, and insists on and exercises the right of detaining them in the prison until payment, or until the party gives an I. O. U. for the amount. This security is given in form to the hatchman, and it is the practice to sue on these documents in the Court of Conscience. The keeper considers it discretionary with him either to detain or discharge the prisoner for rent, even after he has given the I. O. U. In one instance a party was recommitted to the Marshalsea under a warrant of the Court of Conscience for a demand of this nature amounting to 15s. and detained 30 days upon this second committal.

There is no local inspector to this prison. The local inspector of the other prisons occasionally visits it; the sheriffs sometimes, and the inspectors general of prisons twice a-year.

The wretched condition of this prison, and of its inmates, has been repeatedly pointed out by the inspectors general of prisons in their annual reports.

118. The Smithfield Penitentiary is a house of correction for the reception of convicted offenders of both sexes. The male convicts are juvenile offenders varying from nine to 19 years of age. None are sent here above 19. The male and female prisoners are generally offenders committed before the recorder, and sentenced to different short periods of imprisonment, and before the divisional justices, under their summary jurisdiction.

Smithfield Penitentiary.

By a late regulation the female prisoners sentenced by the recorder to short periods of imprisonment, are sent to this penitentiary instead of being confined, as formerly, in Newgate; and the female prisoners sentenced to imprisonment for longer periods than two months, who were formerly sent to Smithfield Penitentiary, are now sent to the Richmond Bridewell.

The officers exclusively attached to this prison, and their respective salaries, are,

	£	s.	d.
Governor, per annum	200	0	0
Matron	50	0	0
Deputy ditto	20	0	0
Clerk	30	0	0
Head Turnkey	32	0	0
Four Turnkeys, each	28	0	0
Three Female Servants, each	12	12	0
A Messenger	12	0	0

All receive one prisoner's dietary per day.

The matron is the wife of the governor.

The officers are appointed by the divisional justices of the head office of police, under the authority, we presume, of the Police Act, 48 Geo. III. c. 140, s. 91, which, however, only mentions the office of gaoler, or keeper. They exercise, also, under the powers given them by the 12d section, a jurisdiction and control in suspending, fining, or removing, any officer for breach of duty.

The salaries of the officers, and necessaries for the prison, are provided by presentment of the grand jury, and disbursed through the receiver of the police establishment, under the 90th section of the Police Act. The same section provided for the repairs of the houses of correction in Dublin by like presentment; but by the seventh section of 7 Geo. IV. c. 74, it is enacted, that the expense of building, purchasing, procuring, altering, enlarging, and repairing all penitentiary houses in Ireland, shall be discharged, and all rent payable in respect thereof, or of the ground, or appurtenances thereof, shall be paid out of the consolidated fund.

The governor, and inferior officers, reside in the prison.

The average number of boys imprisoned in this prison is stated to be about 80, and of females about 70. The prison would contain 170 without inconvenience; there has occasionally been a greater number. The number at the time of our Inquiry were 58 males and 54 females. It is a very healthy prison.

The Smithfield Penitentiary is regularly visited and inspected by the divisional magistrates of police, and occasionally by the sheriffs and the lord mayor. The local inspector of prisons visits it several times a-week; the inspectors general annually.

The classification of the prisoners is strictly attended to. All the prisoners are employed as far as can be done. The male prisoners are employed and instructed in weaving; some of the females are engaged in needle-work; all are employed in washing for the gaol of Newgate, and the Sheriff's Prison. The prison seems in every respect to be extremely well managed.

It is attended by Protestant, Roman Catholic, and Presbyterian chaplains, appointed by the grand jury.

119. The Richmond Bridewell is also a house of correction, more extensive than the Smithfield Penitentiary, but under the same arrangements as to the appointment and payment of the officers, the providing necessaries for the prison, and repairs.

Richmond Bridewell.

It is a modern building, and has been erected at the expense, and under the directions, of government under the 9th section of 7 Geo. IV. c. 74.

The prisoners confined in it are male and female convicts, under sentences of imprisonment, generally in case of males, for periods of six months and upwards.

The following is a list of the officers exclusively attached to this prison, and their respective salaries:

JURISDICTION.

	£	s.	d.
Governor, per annum - - -	400	0	0
Deputy Governor, ditto - - -	200	0	0
Head Matron, ditto - - -	100	0	0
Three Assistant Matrons, ditto, each	31	10	0
Female Hospital Matron, ditto -	36	18	5
Clerk, ditto - - -	52	0	0
Seven Turnkeys, ditto, each - -	52	0	0
Two Taskmasters, ditto, each - -	52	0	0
Cook, ditto - - -	52	0	0
Gate Porter, ditto - - -	52	0	0
Male Hospital Superintendent, ditto	36	18	3
Gardener, ditto - - -	33	12	0
Schoolmaster, ditto - - -	30	0	0
Carter, ditto - - -	21	12	0
Messenger, ditto - - -	12	0	0
Two Watchmen, ditto, each - -	36	8	0

All the officers receive one prisoner's dietary each day.

Protestant, Roman Catholic, and Presbyterian chaplains, a physician, a surgeon, and an apothecary, also attend the prisoners.

The male and female departments of the prison are perfectly distinct, and a complete system of classification of the prisoners exists. The average number of prisoners is 290; the prison accommodation is not calculated for a greater number, and it is considered by the governor defective in not having a separate cell for each individual. On the day the governor attended before us the number of prisoners was 162 males and 111 females.

The prisoners, both male and female, are all actively employed, except the sick; weaving is the principal employment; those sentenced to hard labour are put to the tread-mill. The prisoners on being discharged are paid one-third of the earnings of their labour. The governor stated that £1 was the general average of the sums paid on this account to prisoners who had been confined six months; but that he had paid a prisoner going out £5. He also stated that he thought about one in five of the prisoners confined there was committed a second time.

This prison is inspected by the police magistrates, the local inspector, and the inspector general of prisons.

Its condition and arrangements are highly creditable to the officers of its establishment.

Expenses of Prisons and Prisoners.

120. In addition to the direct Expenses of the Prisons, their officers and attendants, the grand juries present large sums to various functionaries in lieu of fees on Prisoners discharged. We annex a table of the several heads of expenditure for the year 1834, of the several prisons, and the prosecutions of prisoners, as presented for by the grand jury of the county of the city of Dublin. It is to be remarked, and the subject is one productive of much complaint, that the grand jury of the county of Dublin does not present any money for the city prisons, although a large proportion of the prisoners are for offences committed within that portion of the city which is locally situate, in fact, within the county at large.

Expenses of prisons and prosecution of prisoners, as presented for by the city of Dublin grand juries in Easter and Michaelmas terms 1833 :-

	£	s.	d.	Average Number of Prisoners estimated at
Provisions, &c. - - - - -	5,523	18	9	200
Repairs - - - - -	457	12	4	
Newgate.—Salaries - - - - -	1,212	12	3	
Smithfield Penitentiary.—Salaries - - - - -	494	6	8	170
Richmond Bridewell.—Salaries - - - - -	1,662	19	2	290
Sheriffs' Prison.—Salaries - - - - -	583	9	7	60
Medical Attendance.—Salaries - - - - -	800	0	0	
Drugs, &c. - - - - -	309	1	11	
Local Inspector - - - - -	409	4	8	
Religious Attendance.—Salaries - - - - -	300	0	0	
Fees on Prosecutions, &c. - - - - -				
To Clerks of the Peace - - - - -	1,520	18	10	
Clerk of the Crown - - - - -	199	18	7	
Sheriffs - - - - -	400	4	9	
Goalers of Newgate - - - - -	208	6	4	
Chief of Court of Quarter Sessions - - - - -	155	5	6	
	£14,247	12	4	

V.—MUNICIPAL REGULATIONS.

121. The present system of Police in Dublin seems to be the result of a long course of legislative experiment on the subject. Police.

In the year 1715, an Act of Parliament was passed for the purpose of regulating parish watchmen (2 Geo. I. c. 10.) In 1778, a statute was passed (17, 18 Geo. III. c. 43) which enacted, that each of the parishes in the city and suburbs should, for the purpose of that Act, be a distinct ward, and that the lord mayor should appoint some one of the aldermen of the city to be alderman of the ward, and as such to have the special superintendence and care of the police of the said ward, with power to appoint one of the common council, and a resident in and inhabitant of said ward, to act therein as deputy to the said president: and further, that the inhabitants of each of the said wards should every year, at a vestry, choose a certain number of the inhabitants of the said ward, paying scot and lot, not less than six, or more than twelve, to be the representatives of the said ward, paying scot and lot, to make and establish such reasonable rules, orders, and regulations, with respect to the police of the said ward, and the preservation of the peace therein, as to them should seem fit; and to choose and appoint, from time to time, such a number of persons as they should judge requisite, to act as constables, or inferior peace officers therein; and also to choose such a number of persons as they should judge requisite to be watchmen, guards, or patrols, of the said respective wards, from sunset to sunrise, and to have the same properly armed and clothed, in a manner suitable to the occasion.

Statute relative to the Watch and Police, 2 Geo. I. c. 10, 17, 18 Geo. III. c. 43.

In 1786, the police system was materially altered by giving to the Lord Lieutenant power to nominate and appoint any three persons, magistrates of the city of Dublin, to be commissioners of police for the preservation of the peace within the district of the metropolis. The commissioners to appoint such number of men as should be necessary, furnished with proper arms and accoutrements, to act as ministerial officers of the peace within the said district, and the four divisions into which it was to be divided; not exceeding, however, in all, 40 petty constables, four chief constables of divisions, and one high constable for the district. The said commissioners were also to retain and employ not exceeding 400 watchmen, to be armed and accoutred; and also not exceeding 40 persons to be constables of the nightly watch.

23 Geo. III. c. 24.

This Act gave the commissioners the power of assessing upon every house and tenement within the district, rates not exceeding 1s. 6d. in the pound of the yearly rent as rated for the collection of ministers' money, or watch money, &c.

It appointed salaries, not exceeding £500 for the first commissioner, and £300 each to the others, and £200 to each of the resident justices; and that the secretary, clerks, assistants, and servants, high and petty constables, should be paid such sum, &c. not exceeding in the whole £2,200, and the clerks and assistants of the justices not exceeding £300.

We have noticed, in another part of this Report, the violent hostility with which the system of magistracy proposed by this Act was encountered, and the consequences of the opposition in the contests relating to the election of alderman James to the office of lord mayor. The system, however, was fully established, and is the foundation of that now in operation.

The statute was amended by the 28 Geo. III. c. 45, which gave power to employ 100 additional watchmen; but, in a few years after, in 1795, we find both these Acts repealed (see the repealing clauses) as far as they related to the police of Dublin, or parts adjacent, by the 35 Geo. III. c. 30. This statute enacted, that the district of the metropolis should be divided into two parts, viz. the north and south divisions, separated by the river; and that there should be a superintendent magistrate for the district, and a divisional justice for each division, to be elected from among the aldermen in the manner therein mentioned.

28 Geo. III. c. 45.

35 Geo. III. c. 30.

This Act was amended in the following year by the 36 Geo. III. c. 30. Both these Acts were not many years afterwards repealed by the present Police Act, 48 Geo. III. c. 140, which, however, refers to and adopts the mode of rating provided by the repealed statutes.

36 Geo. III. c. 30.

48 Geo. III. c. 140.

By this Act the Castle of Dublin, and all places within eight (Irish) miles thereof, not within the jurisdiction of the Court of Admiralty, were to be united in one District, and thus was to be divided into six divisions.

Police District of Dublin Metropolis.

The limits of these divisions were to be, from time to time, directed by the Lord Lieutenant, by warrant under his hand and seal.

Eighteen persons were to be appointed Divisional Justices; 12 of them, viz. six barristers, three aldermen, and three sheriffs' peers, to be appointed by the Lord Lieutenant, and three aldermen and three sheriffs' peers to be elected by the corporation in the manner therein mentioned, and already noticed in this Report; and the Lord Lieutenant was to appoint one of the divisional justices, being an alderman, to be the chief magistrate of the police of Dublin.

Divisional Justices.

This Act contains numerous regulations and directions, to several of which we have already occasionally adverted. It is still in force, as altered and amended by the 5 Geo. IV. c. 102.

5 Geo. IV. c. 102.

MUNICIPAL
REGULATIONS.

By this latter Act the Lord Lieutenant was empowered to divide the police district into four divisions instead of six, and to cause four police offices to be established; and upon such division being made, to select 12 of the divisional justices, consisting of four barristers, four aldermen, and four sheriffs' peers, or members of the common council; it directed that three of these, viz. one barrister, one alderman, and one sheriffs' peer, or member of the common council, should be attached to each of the said offices: provided that two of the said four aldermen, and two of the said four sheriffs' peers, or members of the said common council, should be such as were originally elected by the corporation of the city of Dublin.

Receiver of the
Public Offices.

By the fourth section of the 48 Geo. III. c. 140, the Lord Lieutenant is enabled to appoint a Receiver, not being an alderman of the city, who shall be called "The Receiver of the Public Offices in the Police District of Dublin Metropolis." The receiver is declared incapable of being appointed, or elected, a divisional justice, and is to be removable by the Lord Lieutenant at pleasure.

He is also, by the 16th section, to give security by bond, with two sufficient sureties, in such sum as the divisional justices of the head office, or any of them, shall appoint.

The approbation of the Lord Lieutenant and Privy Council is required to the election of any of the divisional justices by the corporation. And the eighth section of this Act provides that they shall hold their offices during good behaviour, or until removed therefrom by the Lord Lieutenant, or other chief governor of Ireland.

Offices of Police.

Powers are given to the Lord Lieutenant, or chief governor, to fix and change the divisions in which the justices shall act, and to appoint any one of them, being an alderman, to be the chief magistrate of the police of Dublin, who shall, for the time being, be one of the divisional justices of the Castle Division, called "the Head Office of Police."

To this head office the divisional justices are to send weekly abstracts of their proceedings.

It is provided by the 13th section, that one or more of the divisional justices shall diligently attend at each of the offices, each in his proper division, every day from 10 o'clock in the morning until 8 o'clock in the evening, and at such other times and places as shall be found necessary; that two of them shall attend together at each of the offices from 11 o'clock in the forenoon until 3 o'clock in the afternoon; and that each barrister shall attend at his divisional office at all hours, though not his turn of duty, whenever any matter of weight or difficulty shall occur to require his presence; a written notice that his attendance is so required, signed by either of the other justices of the division, or the chief clerk to the office, being first left at his place of abode.

The divisional justices are declared incapable of being Members of the House of Commons, and the barristers are precluded from practising as such: and all barristers, and other persons, nominated or appointed under the Acts, (except the divisional justices, who shall be aldermen, sheriffs' peers, or common councillors,) are prohibited from voting for the election of a Member of Parliament for the county or city of Dublin, or in any manner endeavouring to persuade any elector to vote, or dissuade any elector from voting, under a penalty of £100.

Under the 17th section of the 48 Geo. III. c. 140, the Lord Lieutenant, or other chief governor, is empowered by and with the advice of the Privy Council, out of the funds applicable to the expenses of the establishment, to direct such sums as he shall think proper to be paid to the divisional justices for their time and trouble, not exceeding the yearly sum of £500 to each, and £100 in addition to the chief magistrate of police, and such sums as he shall think proper, not exceeding £500 yearly to be retained by the receiver. The same section empowers the Lord Lieutenant, &c. to direct such yearly sums as he shall think proper to be paid to the chief magistrate for paying and providing all necessaries for the patrols thereinafter mentioned, and such further yearly sums as he shall think proper to be paid to the divisional justices for payment of clerks, peace-officers, patrols, and others therein employed: "Provided, however, that the whole charges attending the said offices, the said salaries being therein included, shall not exceed the annual sum of £29,000, over and above the necessary disbursements for hiring, repairing, or building the houses, or buildings, wherein the said public offices shall be held."

Clerks,
Office Constables,
Peace Officers.

The divisional justices are directed, in their respective offices, to retain and employ any number, not exceeding two Clerks, three Office Constables, and four Peace Officers, and at the head office the number of peace officers may be 28. The power of dismissing these clerks and officers, and appointing others in their places, is given to the divisional justices, or any two of them.

Patrolling Con-
stables.

The divisional justices of the head office are directed also to retain and employ a sufficient number of fit and able men, not exceeding 100, to act as Patrolling Constables in all parts of the district by night and by day, as occasion shall require, and the chief magistrate to employ a sufficient number of fit and able men, not exceeding 100, to act as town patrolling constables under his command, in all parts of the district, by night and by day, as occasion may require, sec. 21.

No person appointed as constable shall be or act as a domestic, or menial servant, to any person whatsoever; and any of the divisional justices, receiver, or other officer, or clerk, who shall retain or employ any constable as a menial servant, shall forfeit £100, sec. 23.

The 24th section prohibits any brewers or distillers, dealers in wine by retail, to licensed public houses, and partners of such person or persons, having licences to sell malt liquors or spirituous liquors, or in any manner engaged as sellers thereof, and victualliers, and persons keeping public houses, from holding any office or situation whatever under the Act.

The rate of payment of the constables is fixed by the 25th section as follows:—

MUNICIPAL
REGULATIONS.

	£	s.	d.	
To the ordinary chief constable of each division, Any sum not exceeding	100	0	0	per annum.
To the other constables, except the patrols, Any sum not exceeding	40	0	0	"
To the horse patrolling constables, Any sum not exceeding	1	8	0	per week
To the other patrolling constables, Any sum not exceeding	0	14	0	"

Besides such extraordinary expenses as they may be necessarily put to in apprehending offenders, and executing the orders of the divisional justices, such expenses being verified by affidavit, and approved of by the chief magistrate of police, or two divisional justices of the division.

The 25th section of the 48 Geo. III. c. 140 provides, that if any of the divisional justices, *Pensions.* *severer, clerk, acting constables, or other person, holding any office whatsoever under and by virtue of the Act, shall by age, sickness, or accident, become unable to perform the duties of such office, and shall, therefore, resign or be removed therefrom, the Lord Lieutenant, or other chief governor, if he shall think proper so to do, may direct that a Pension, chargeable on the funds applicable to the support of the establishment, clear of all taxes and deductions, shall be paid to every such person, not exceeding two-thirds of the salary, payable to such person by virtue of that Act, immediately previous to his so resigning or being removed, "provided that no person shall be entitled to receive any such pension or allowance, unless he shall have served 25 years, or shall have been disabled by any unavoidable or permanent disease, acquired in the discharge of his duty under this Act."*

By the 94th section of this statute it is provided, "in order that every part of the metropolis may be effectually garrisoned, and that a sufficient number of Watchmen may be provided for that purpose," that the divisional justices of the head office, or any two of them, shall retain and employ such number as they shall think proper, of fit and able men, not exceeding 700, or less than 500, during the months of October, November, December, January, February, and March, nor less than 400 during the other months, to be night watchmen; and shall also retain and employ such number of persons, not exceeding three, for each *Nightly Watch.* *division, to be constables of the nightly watch in their respective parishes, or other divisions.*

The 95th section provides, that no person selling malt liquors, or spirituous liquors, shall be capable of being appointed to or holding the office of watch constable.

The 96th section empowers the divisional justices of the head office, or any two of them, to make rules and orders for regulating the constables of the watch, and watchmen, and prescribing their duty and service, to be enforced by penalties, not exceeding 40s. and imprisonment, not exceeding one month, to be imposed and directed by the divisional justices of the head office, or one of them.

The 109th section empowers the Lord Lieutenant to appoint a person to attend and supply medicine to the watch constables and watchmen, the allowance to be paid to such person to be approved of by the Lord Lieutenant, or other chief governor or chief secretary, or in his absence, by the under secretary for the civil department.

The 112th section provides, that the lord mayor of Dublin shall have power to act at all times, to muster and review the watch.

The above are the principal provisions of the Police Act, which provide for and regulate the numbers and description of officers, and other persons, to be employed in this establishment.

The following Return has been made to us of the actual strength of the Police and Watch *Police Establishments.* *Establishments of the police district of Dublin metropolis, and the persons employed in the collection of the funds destined for its support, or whose salaries are charged on those funds, with the amount of salaries, &c. on the 8th May 1834:—*

POLICE ESTABLISHMENT.

Yearly or Weekly
Salary amount.Gross
amount.

	£	s.	d.	£	s.	d.
Chief Magistrate				753	16	11
Eleven Divisional Justices, each	461	10	9	5,076	18	3
Recorder				1,476	18	5½
Receiver				461	10	9
Surgeon				100	0	0
Secretary				413	5	4½
Chief Clerk, Head Office				230	15	4½
Second Clerk, ditto				120	0	0
Chief Constable				138	9	2½
Three Chief Clerks, Divisional Offices, each	129	4	7½	387	13	10½
Three Second, ditto ditto	73	16	11	221	10	9
Three Chief Constables, ditto ditto	92	6	2	276	18	5½
Peace Officer in Charge of Horse Patrol				64	12	3½
Twelve Office Constables, each	36	18	5½	443	1	6
Carried forward				£10,165	11	2½
				1	2	

MUNICIPAL
REGULATIONS.

	Yearly or Weekly amount.			Gross amount.		
	£	s.	d.	£	s.	d.
Brought forward	-	-	-	10,165	11	2½
Thirty-eight Peace Officers, each	36	18	5½	1,403	1	5
Twenty-nine Horse Patrol, each per week	0	11	8	879	13	4
Sixty-nine ditto, dismounted, doing duty in the						
Country part of the District, each per week	0	11	8	2,093	0	0
One Hundred Town Foot Patrol, each per week	0	11	8	3,053	6	8
One Horsekeeper	-	-	-	52	0	0
One Armourer	-	-	-	40	0	0
Two Messengers, Head Office, each	36	18	5½	73	16	11
				£17,740	9	6½

WATCH ESTABLISHMENT.

Surgeon	100	0	0
Collection of Carriage Tax (per centage on collection.)			
Registrar of Carriages	150	0	0
Assistant ditto	100	0	0
Ditto ditto	73	16	11
Two Summons Servers, each £49 4s.	98	8	0
Supervisor of Watch Tax	150	0	0
Assistant ditto	73	16	11
Seven Collectors of ditto (per centage on collection.)			
Pay Clerk	92	6	2
Clerk of Licenses, &c.	73	16	11
Twenty-six Watch Constables, each 12s. 11d. per week	873	3	4
Five Hundred and Thirty-nine Watchmen, each 9s. 3d. per ditto	12,962	19	0
			£14,748 7 3

Total charge for salaries on both establishments - - - £32,488 16 9½

The other expenses of the establishment are also very considerable, and will be presently noticed.

Jurisdiction.

122. The divisional justices possess the general powers and Jurisdictions of justices of the peace in the district of the metropolis: and by the 5 Geo. IV. c. 102, s. 9, the justices of the head office are also constituted magistrates of the counties of Dublin, Wicklow, Kildare, and Meath; but are not compellable to act as such, at any place out of the public office of the Castle Division, or upon any information for offences less than treason or felony.

It is provided by the 29th section of the 48 Geo. III. c. 140, that in all cases where any fines, penalties, or forfeitures, or shares of fines, penalties, or forfeitures, were or should be limited and made payable to His Majesty, his heirs, and successors, or to any description of persons, other than the informer or informers who should sue for the same, or the party grieved, and which should be recoverable in a summary way before a justice or justices of the peace, the same should and might within the police district of Dublin metropolis be sued for and recovered at some one of the said divisional police offices, before any two of the divisional justices, and not before any justice or justices of the peace out of the said offices, and that all such fines, &c. there recovered, should be accounted for and paid by the justice, &c. laying and receiving the same, into the hands of the receiver of the public offices.

By the 7th section of the 5 Geo. IV. c. 102, any one divisional justice may exercise this power. The only magistrate whom we find exercising in the corporation of the city of Dublin a summary jurisdiction, in the adjudication of fines under penal statutes, is the lord mayor. The mode in which this jurisdiction is exercised in the lord mayor's court we have already adverted to. We see no reason for the continuance of even this exception to the exclusive jurisdiction of the divisional justices of police.

The 30th section of the 48 Geo. III. c. 140, provides, that where any Act is directed or authorized by law to be done by any justices of the peace, residing in or near or next to the parish or place where any offence or other matter cognizable before them shall be committed or arise, if such offence or other matter shall be committed or arise within the police district of Dublin metropolis, such act may be done at the public office of the division in which the offence or other matter shall be committed or arise, by any one or more of the magistrates there attending by virtue of that Act, or by any other magistrate or magistrates.

We have not had evidence before us of the attendance of any magistrate, not being a divisional justice of police, at the public offices.

The 31st section of the 48 Geo. III. provides, that the warrant of any of the divisional justices, for the apprehension of any person charged on oath with any treason or felony committed within the police district of the metropolis, shall have full force and effect in any part of Ireland to which such person may have fled or removed, or where such person shall be found or be.

The divisional justices may, by warrant under hand and seal, direct rewards, not exceeding £20, to be paid out of the funds of the establishment, to persons apprehending, prosecuting, or giving information tending to the apprehension of any person or persons who shall be convicted of any treason or felony committed in their division. (48 Geo. III. c. 140, s. 32.) A similar power is given by 5 Geo. IV. c. 102, s. 12, to any two of the divisional justices of the Castle Division, in cases of treason or felony committed in any part of the police district of the metropolis.

By the 48 Geo. III. c. 140, s. 33, it is provided, that all justices of the peace acting within the police district, the lord mayor of the city of Dublin only excepted, and their clerks, clerks of the peace, of arraigns, and other clerks of sessions holden within the district, all high constables, keepers of goals and houses of correction, their turnkeys and assistants, and all other persons anyways concerned ministerially in the execution or administration of criminal justice within the district, as often as the said divisional justices, or any two of them, shall require any assistance or information from any of them, toward the execution of the Act, shall immediately, or as soon as may be, attend in person, and give such assistance and information as shall be so required: and the 41st section gives to the divisional justices, or any one of them, or any constable duly appointed by them, power to demand the assistance of all chief and other constables, watchmen, patrols, headles, &c. appointed for any parish, liberty, precinct, or place within the district, for the apprehending offenders, or preventing offences against the peace.

Power of appointing and swearing in special constables, in cases of emergency, is conferred by the 14th section of the 5 Geo. IV. c. 102, on any three of the divisional justices, of whom one or more of the divisional justices of the Castle Division shall constitute part.

Various other powers connected with the municipal regulations of police are given by this statute to the divisional justices, which it is unnecessary here to specify in detail. They relate to the conduct of publicans, pawnbrokers, drivers of carriages for hire, &c.

Besides the ordinary duties of divisional police magistrates, a considerable number of duties are performed exclusively by the magistrates of the head office of Dublin police; they include a general superintendence and inspection of the daily returns from and a correspondence with the three divisional offices, as required by the 48 Geo. III.; and also a correspondence with and making reports to the Irish government, compiling the *Hus and Cry*, the superintendence of the benches of the metropolis, the superintendence and management of the carriage department, and hearing and determining all complaints against carriage and car owners and drivers, the management and collection of the watch-tax, the income from which is a principal support of the establishment, and is collected from about 19,000 houses; the selection, direction, and control, clothing, accounting, and paying of the peace officers, horse and foot patrol, watch constables, and watchmen, amounting together to about 800 men, and the providing and superintending the horses belonging to the establishment.

They have, further, the examination and approval of all accounts of the establishment, previously to the payment of the amount by the receiver.

They have also the hearing of all informations under the excise laws, cognisable before magistrates, arising within the police district of Dublin. This duty was formerly distributed among the several divisional offices, and petty sessions for the country parts of the district, but has, for the last two years, devolved exclusively upon the magistrates of the head office, under an arrangement recommended by the attorney general, as convenient to the excise department, and calculated to maintain uniformity and competency of decision, so as to diminish the frequency of appeals. For his attention to this particular duty, the barrister at the head office receives an addition to his salary of £100, from the funds of the treasury.

The police force is admitted to be deficient. A very inadequate number of men is supplied for the day patrol—about three or four to each divisional office; in all, including those at the head office, it is stated by the chief magistrate, that 20 is the utmost number which can be spared during the day-time for patrolling the town, and preserving the peace. The number of 100 horse patrolling constables, contemplated by the 21st section of the 48 Geo. III. c. 140, is not kept up, from the expense which would attend such an establishment, 29 only out of that number being mounted. The remainder are dismounted, and act as a foot patrol in the country. Of the nightly watch, many, it is represented, are very feeble old men, and they were stated by a divisional magistrate to be not sufficient either for their own or the public protection. A late regulation has been adopted by the magistrates, not to take any new watchmen over 30 years of age. At Ranelagh, which is a populous suburb, within a mile of Dublin, the inhabitants, from the deficiency of the police force, find it necessary to provide, at their own expense, an auxiliary establishment of watchmen in winter for their protection. The country patrol is generally considered insufficient, and attempts have been made by the magistrates to obtain an increased force for town and country, but without effect. Much petty theft (as represented) is committed in Dublin, particularly in the public markets, from the absence of a sufficient day patrol.

Observations.

A very extensive portion of the city, west of the Castle, comprising the populous district of the Earl of Meath's liberty, is without any police office, or resident magistrate, and several of the divisional justices do not reside within the city.

It is, as we have stated, expressly enacted by the 13th section of the 48 Geo. III. c. 140, that one or more of the divisional justices shall diligently attend at each of the public offices, each in his proper division, every day, from 10 of the clock in the morning until 8 of the clock in the evening; and that two shall attend together, at each office, from 11 of the clock in the forenoon until 3 of the clock in the afternoon. This provision does not seem to be strictly observed in the public offices, the attendance in the evening after 3 o'clock

MUNICIPAL
REGULATIONS.

appearing to be but occasional, when business requires; nor is the latter clause, requiring the attendance of two magistrates from 11 o'clock to 3, observed with much precision. We have not, however, had any evidence before us of any serious public inconvenience having accrued from these deviations from the strict letter of the enactment.

Police and Watch
Funds.

123. The Funds applicable to the expenses of the Police and Watch Establishment are derived from various sources.

Watch Tax.

The most important charge on the citizens of Dublin for these objects, is the Watch Tax. This tax was formerly imposed by the statute 35 Geo. III. c. 36, s. 75, by which the churchwardens of the several parishes, within the Circular Road and the wall of the Phoenix Park, were required to assess a certain rate upon each house in that district, not exceeding the sum of 1s. 3d. in the pound of the yearly rent thereof, as the same had been, or should be, valued for the collection of ministers' money, (under the 17, 18 Car. II. c. 7,) and the like rate on houses not so valued, or not liable to such valuation. Provisions are contained in this statute for effecting a valuation, for the purposes of the Act, of the two last classes of houses; with a clause, that no house shall be valued at more than £60 a-year.

This statute was amended by the 36 Geo. III. c. 39, by including within the district liable to such taxation, certain parts of the parish of St. Peter's lying between the Circular Road and the Grand Canal; and by establishing the following rate of watch-tax, which is that now collected, viz.:

	s.	d.
Upon all houses rated at and under £5, for ministers' money,	1	0
" " from £5 and under £10	-	1
" " from £10 to £30	-	1
" " above £30	-	2

And the like rates on houses not so valued, or not liable to such valuation, "to be ascertained by a verdict of a jury."

The 39 Geo. III. c. 56, transferred to the superintendent magistrate of the police the authority to raise and levy these taxes, and gave him the power of appointing valuers of houses not valued for ministers' money, or not liable to such valuation. This Act also included within the district some other parts of St. Peter's parish.

These Acts were repealed by the 48 Geo. III. c. 140, but by the 103rd section of that Act, after reciting the expediency of continuing the assessments provided by them, "to the intent that a sufficient support and maintenance might be had for the said constables, (the watch constables,) and watchmen, and that arms, accoutrements, watch-coats, lanterns, fire, and other necessities, for the aforesaid purpose of watching, might be provided, and that a sufficient number of watchhouses might be erected, provided, and maintained;" it was enacted, that the divisional justices of the Castle division, or any two of them, at the head office, should be authorized, to raise and levy the like rates and assessments on all houses and tenements within the police district of Dublin metropolis, which, under or by virtue of any Act in force immediately before the passing of that Act, should be liable to be rated and assessed to any such rate or assessment as the superintendent magistrate was by the said recited Acts, or any of them, authorized and empowered to establish, raise, assess, and levy.

The 114th section requires returns of the houses valued for ministers' money, to be made by the churchwardens of the respective parishes, to the divisional justices of the Castle Division.

Under these powers the present watch-tax is collected, according to the rate prescribed by the 36 Geo. III. c. 39.

The number of houses rated to this tax in October 1833, was 17,538, and the amount of the assessment £11,300. The tax produced in the year ending the 31st March 1833, the nett sum above poundage of £11,047 3s. 2½d.

This tax is collected by persons appointed by the divisional justices of the Castle Division, under the 103d section of the 48 Geo. III. c. 140. There are seven of these collectors. The collectors are thereby empowered to retain, to their own use, out of all sums received by them, such part or proportion thereof, not exceeding 1s. in the pound, as shall be directed by the divisional justices, or any two of them, at the head office.

They must, by s. 104, give sufficient security to the satisfaction of the divisional justices of the Castle Division, or any two of them, by bond to His Majesty, for the due and faithful execution and discharge of their office and duty; and must account on oath, as therein prescribed. They must also, by the 105th and 106th sections, on Saturday in each week, furnish a just and true account of all moneys received by them in the course of the week, and on every Saturday pay to the receiver all moneys received by them and then in their hands.

The other officers immediately connected with the collection of this tax, are the superior of watch-tax and his assistant, the former at a salary of £150 per annum, the latter at a salary of £73 16s. 11d.

On an inquiry, instituted by order of Government, in December 1831, into the financial departments of the police and watch establishment, it was discovered that very serious defalcations had taken place on the part of those concerned in the collection of the watch-tax, which had escaped detection by the magistrates, and by the Commissioners of Imprest Accounts, to whom the accounts of these establishments were referred. Collusion seems to have been suspected between the supervisor and the collectors; and the public appear to have been defrauded of considerable sums, the entire extent of which, it was stated to us by one of the persons engaged in the inquiry, it was not possible to ascertain. Papers which ought to

have been preserved until the accounts were audited, had been destroyed. The practical result of the investigation was, that four of the collectors and the supervisor were dismissed. Balances were found due by several of the collectors, to the amount of several hundred pounds; but these had been reduced by payments to the receiver, on the 8th May 1834, to the sum of £52 17s. 5½d.

The supervisor was charged with defaults to the amount of upwards of £800, and the justice who had introduced that person into the establishment stated to us, that he had on that account considered himself to a certain degree responsible for his misconduct. It does not appear that legal proceedings were instituted, to determine the liability or imputed misconduct of the supervisor, which that individual denied; but the matter appears to have been finally settled by Government accepting £300 from the receiver. It was stated to us, that a better system has since been adopted in the supervisor's office, by which such defaulters will in future be avoided; and the receiver stated, that he thought the house-tax was better collected and better accounted for, and that it produced nearly £2,000 a-year more than it did three years since.

The objections which apply to the system of assessing this and other local taxes, by reference to the ministers' money, will be noticed in a subsequent part of this Report.

194. The next important branch of the funds of the police establishment, which may be considered as a charge on the city of Dublin, is derived from the owners of Carriages plying for hire, or used in trade.

Carriage Tax.

The income derivable from this source consists of sums paid for licences and annual rates of such vehicles; sums paid for figures supplied to them; fines imposed for breach of the laws and police regulations affecting public carriages, &c., and fees charged on the proceedings for imposing such fines.

The rates to be paid for these licences and annual rents are fixed by the statute, 37 Geo. III. c. 38, ss. 3, 5; and the description of vehicles required to be licensed, is given in the 2nd section of this Act, the 24th and 25th sections of the 39 Geo. III. c. 56, and the 4th section of the 44 Geo. III. c. xxi. (loc. & pers.) They comprise every description of vehicle carrying passengers for hire within the city, its suburbs or liberties, or within seven miles thereof, or carrying goods for hire, or used by merchants, traders, manufacturers, builders, &c. in their respective trades or occupations within the city, its suburbs or liberties, or within three miles thereof, with the exception declared by the 39 Geo. III. c. 56, s. 25, "that nothing therein shall extend to subject any carriage to a licence, on account of its being employed in bringing hay, straw, corn, vegetables, or potatoes, or nurserymen's carts drawing trees to or from town, or manure from town, to market."

The classification of these vehicles as now made by the officers in this department, and the rates of licence and annual rent payable on them, with the general number of each description licensed, is as follows:

	Licences, Irish Carriage.			Rent per Annum.			General Number licensed.		
	£	s.	d.	£	s.	d.			
Job coaches	-	5	0	0	-	11	12	0	- 104
Mourning ditto	-	5	0	0	-	11	12	0	- 13
Hackney ditto	-	5	0	0	-	11	12	0	- 42
Stage ditto	-	5	0	0	-	11	12	0	- 9
Chaises (cabs)	-	1	10	0	-	1	2	0	- 1,300
Brewers' drays	-	1	0	0	-	1	12	0	- 104
Town cars	-	1	0	0	-	1	2	0	- 3,000
Country carts	-	0	10	0	-	0	17	0	- 500

The 4th section of the 37 Geo. III. c. 58, empowered the superintendent magistrate to grant such licences for any time not exceeding 21 years, and declared them to be transferable and devisable by the parties to whom they should be granted. Subsequent provisions of this Act regulated the mode of assignment, and gave a fee of 6d. to the collector of carriage duties for making an entry of the transfer.

By the 21st section of this Act the superintendent magistrate was authorized to alter and increase the fines to be paid, or the rents to be reserved on these licences, "provided the same be not increased above one-fourth part more than the fines and rents therein before particularly mentioned and expressed," and to make rules, orders, and regulations, for the purpose, and to alter, vary, amend, or annul them; provided every such alteration, rule, order, and regulation, respecting the fines or rents so made by the superintendent magistrate, should be approved of by the Lord Chancellor or Lords Commissioners of the Great Seal, and the chief judges or any three of them.

The powers of the superintendent magistrate under former Acts, except the receipt of money, are transferred by the 60th and 62d sections of the 48 Geo. III. c. 140, to the divisional justices of the Castle Division, who now accordingly grant the carriage licences required under the above statutes; and in November 1832 certain rules, orders, and bye-laws were made by them for the better regulation of the owners, &c. of cars, chaises, &c. plying for hire, or by way of job, within the aforesaid suburbs and liberties of Dublin, or within seven miles thereof. These rules were approved of by the chief justices. They provide, among other matters, that from the 25th March 1833, no person or persons shall be licensed to own, keep, or drive, or to employ for the purposes mentioned, any of the above-named and described carriages for any term exceeding 12 months; and that, if any person or persons applying for a licence or licences to own, keep, or drive any of the above-named and described carriages, shall not consent to pay in advance, at the time of granting such licence,

MUNICIPAL
REGULATIONS.

the full amount of the rent or rents according to the rate specified in the said Act of the 37 Geo. III. for the year or term of such licence, the fine to be paid on such licence, and the rent to be thereon reserved, shall be respectively increased by one-fourth part of the respective amounts appointed by that Act.

Under the provisions of the 37 Geo. III. c. 58, the carriage rents are payable quarterly on every 25th day of March, &c.

The following officers, besides the receiver, are connected with the collection of carriage rents, &c. :

Collector of Carriage Rents.
Registrar of Carriages.
Two Assistant ditto.
Two Summons Servers.

The sums paid on all carriage licences, and the rents paid in advance on the particular description of carriages licensed since November 1833 under the new regulations, are paid to the receiver. The general carriage rent is paid to the collector of carriage rents at the office. He is allowed £5 per cent. on the amount paid.

The registrar of carriages and his assistants, and the summons servers, are paid by salaries; the amounts have been already noticed.

The charge for figures supplied to car-owners, &c. is 2s. 6d. on taking out the licence, and the same sum for renewing them if lost. These sums are collected by the registrar, and by him paid weekly to the receiver.

Fines.

125. The Fines imposed on the owners and drivers of licensed carriages for breaches of the law and of the regulations of the magistrates produce an income of some importance to the establishment.

These fines are imposed under various provisions and powers of the 37 Geo. III. and subsequent Acts already mentioned, which it is not necessary here to particularise, and the bye-laws and regulations made by the magistrates for the preservation of order and propriety of conduct on the part of the owners and drivers of carriages, &c. They vary from 2s. 6d. to £2 Irish currency, according to the offence.

It is the duty of the registrar to receive the complaints of the alleged offences and issue summonses. The fines imposed are paid to this officer, and by him returned weekly to the receiver.

These complaints are most generally preferred by persons in the employment of the police establishment, and specially appointed to the duty of watching the conduct of the drivers of cars, &c. There are eight of these inspectors thus employed. They are either peace officers or patrol constables, and are generally changed yearly, but sometimes more frequently. They are not paid a specific portion of the fines, but are remunerated by weekly allowances out of a fund called the Complainants' Fund, which is supplied from the fines. They are paid by the magistrates of the head office according to the degree of vigilance with which they appear to perform the duty. The average amount to the two principal inspectors is about 10s. per week. These officers are under the immediate control of the registrar of carriages, and are obliged to act as peace officers if occasion requires, but their ostensible duty is as carriage inspectors.

The temptation to compromise offences without bringing them by complaint before the magistrates may be expected to have some effect on men placed in such situations, and the registrar of carriages stated that he had heard, some years since, charges of that nature against the inspectors, and that men had been dismissed from the situation of inspectors for such conduct, but that he had no reason to think that such a thing had occurred in the last two years, and that no complaint had been made of such practices in that period.

It was admitted by this officer, that complaints made by the inspectors are frequently dismissed, and that they were not subject to any costs for preferring an unfounded complaint, so that the person summoned lost his time without getting any compensation. This in many cases must be a considerable hardship. He stated that this principally happened where the defence was that the car was engaged, which the inspector had no means of knowing; but we cannot see the propriety, in any case, of punishing the driver, or owner of the car, where innocent, by exposing him without compensation to the inconvenience and loss of time he must sustain on such occasions.

The costs attending these complaints are 1s. for the summons, and 1s. for the warrant, if issued.

If the fine be paid within the week, the only charge is the shilling for the summons.

These fees are paid to the receiver, and form part of the general funds of the establishment. In cases of complaints preferred by the inspectors, no charge is made to them in the first instance for the summons, but it is notwithstanding charged with the fine to the defendant, so that if the complaint fails, the officer who has preferred it loses nothing. But if a complaint be preferred by any other person, the shilling for the summons must be paid by him. The object of thus making the charge in the latter case is stated to be to guarantee the appearance of the party preferring the complaint; a precaution apparently not very necessary, if the complaint be substantial.

The only other charge we find made in connexion with this branch of the police department is of 1s. on each warrant issued to levy carriage rent in arrears more than 30 days. This fee is paid to the collector of carriage rent.

The following is a statement from the receiver and the registrar of carriages of the produce of the several heads of charge in this department, as above detailed, for the year ending 31st March 1834:—

	£	s.	d.
Carriage Rent - - - - -	5,850	10	11½
Licences - - - - -	1,104	12	1
Figures - - - - -	155	5	0
Fines - - - - -	1,117	13	5½
Summonses - - - - -	330	7	0
Warrants - - - - -	247	1	0

£8,805 9 6

MUNICIPAL
REGULATIONS.

By the Act of the 37 Geo. III. c. 58, the complainants are entitled to half the amount of fines adjudicated against the owners of licensed carriages, but the inspectors now employed in Dublin, and the vicinity thereof, being officers of the police establishment, and as such receiving weekly pay, are only paid out of the fines for the extra service they perform, by quarterly gratuities according to their exertions, or the nature of the duties performed. The moiety of the complainant's moiety of the fines forms the complainants' fund, already noticed.

In February 1833, a sum of £743 5s. 4½d., the accumulation of this fund for some years, was credited to the public from the complainants' fund, by authority of Government, and the balances now accumulating, (deposited weekly with the receiver) will be transferred, in the manner, when authorized by the Lord Lieutenant.

By the statute 44 Geo. III. cap. xxi. (local and personal) every person jointly, or separately, carrying on the business of a Pawnbroker, or having any interest or gain thereby, as a partner or anonymous partner therein, within the district of the metropolis or five miles thereof, was obliged to pay for each and every house, or other place, in which such business shall be carried on, for a Licence from the superintendent magistrate of the district of the metropolis, over and above all duties whatever, £100, Irish currency.

This licence duty is now paid to the receiver of the police, and forms part of the funds of the establishment.

The duty was paid in the year ending 31st March 1834, on 53 licences, amounting to the sum of £4,892 6s. 10d.

The same statute imposed a License Charge for the same purposes, on every person selling spirits by retail within the city of Dublin, or five miles thereof, of 10s. of the late currency, for each and every house in which the same shall be sold, over and above all duties whatever.

Under the late Act to amend the laws relating to the sale of wine, &c. by retail in Ireland, 3, 4 Will. IV. c. 68, it is, by section 12, required that any person who shall obtain or renew under that Act a licence to sell spirits in any house or premises situate within the police district of Dublin metropolis, shall within ten days deliver at the Castle Division a note of his name and abode and other particulars, and pay the receiver of the public offices the sum of 10s.; such sums to go in aid of the funds of the police district.

The licences to publicans for the year ending 31st March 1834, produced to the police funds £924 10s. 3d.

A duty of £2 of the late Irish currency is made payable to the police funds by the 44 Geo. III. cap. xxii. (local and personal) by dealers in glass bottles, old clothes, and other articles. The amount produced by these licences appears inconsiderable. They produced, in the year ending 31st March 1834, the sum of £29 10s. 8d.

By the 48 Geo. III. c. 140, s. 29, the Divisional Justices and their clerks are required to keep accounts of all Fees taken at each of the public offices, and of all Fines, penalties, and forfeitures recovered, levied, or received, in pursuance of any adjudication, conviction, or order had or made there or any process or warrant issuing from the same, and to deliver to the receiver an account verified on oath, by the justices or their clerks, and other persons employed in keeping such accounts, before the Lord Mayor, and to pay the amount of all such fees to the receiver. We have already noticed the 29th section, which provides for the payment to the receiver, and application to the expenses of the establishment, of all fines, penalties, and forfeitures, &c., recovered where they are payable, to the King, or to any persons other than the informer.

Under these sections and other clauses of this statute, and the 5 Geo. IV. c. 102, a considerable annual revenue appears to accrue to the police establishment from fines and fees paid at the divisional public offices.

As in the case of the fines on owners of carriages, the informations at the police offices are usually preferred by the peace officers, but the system we have noticed in the carriage department, as to the payment of the informers, does not appear to be established generally with reference to informations on other matters, except at the head office. In the other divisional offices the informer, though an officer of the establishment, seems to be considered entitled to the moiety of the fines, at least in cases of convictions of publicans; and the returns to the head office are only of the other moiety. Particular instances of abuse on the part of some officers, in reference to offences by publicans, were brought under our notice, and will be presently alluded to.

The fees charged at the head offices are—

	s.	d.
Recognizances - - - - -	2	5
Affidavit, swearing, and drawing - - - - -	1	0
Idem swearing only - - - - -	0	6
Summonses - - - - -	1	0
Attestation - - - - -	1	0

MUNICIPAL
REGULATIONSParliamentary
Grants.

The produce of the fees and fines collected at the divisional offices for the year ending the 31st March 1834, was £229 14s. 9½d.

The several sources of income we have stated have always proved insufficient for the maintenance of this establishment, and the deficiency has been supplied by annual Parliamentary Grants. They have generally exceeded £20,000 a-year. The following are the grants for the last ten years:—

1825	-	-	-	-	-	£26,000
1826	-	-	-	-	-	25,000
1827	-	-	-	-	-	24,500
1828	-	-	-	-	-	24,300
1829	-	-	-	-	-	24,300
1830	-	-	-	-	-	17,250
1831	-	-	-	-	-	20,853
1832	-	-	-	-	-	24,937
1833	-	-	-	-	-	12,000
1834	-	-	-	-	-	7,000

The total income and expenditure of the police and watch establishments for the year ending 31st March 1834, appear in the following accounts furnished to us by the receiver:—

An Account of the Receipts and Disbursements of JOHN GUTHRIE LIND, Esq. Receiver of the Public Offices in the Police District of Dublin Metropolis, from the 1st April 1833 to the 31st March 1834, both days inclusive.

Receipts.	Police Office.	Watch Establishment.	Total.	Disbursements.	Police Office.	Watch Establishment.	Total.
	£ s d	£ s d	£ s d		£ s d	£ s d	£ s d
Balance, 1st April 1833			2,395 13 5½	Rents	488 1 11½	350 2 4½	838 4 10
From the Treasury	14,302 6 8		14,302 6 8	Taxes	135 15 5½	49 0 3½	185 16 1
Divisional Offices	829 14 9½		829 14 9½	Building and Repairs	320 13 5½	177 2 7½	497 16 3
Fees and Fines		11,047 3 2½	11,047 3 2½	Newspapers	87 9 9		87 9 9
Horse Tax		5,800 19 11½	5,800 19 11½	Law Expenses	1,193 17 11		1,193 17 11
Carriage Rent		2,664 18 6½	2,664 18 6½	Stationary and Haul and Cry	25 16 8½	575 16 4	602 15 3
Carriage Post, Fines, Licences, &c.				Coals and Candles	602 3 5	290 8 9½	892 11 1½
Parish Rates		4,892 6 10	4,892 6 10	Salaries and Pensions	10,995 6 3½	910 1 5	11,905 18 3
Public-house Licences		324 10 3	324 10 3	Weekly Pay	8,129 19 10	33,778 6 0	41,908 6 10
Old Clothes Licences		23 19 11	23 19 11	Clothing	604 17 7	512 17 4	1,116 14 11
Glass Bottles Licences		5 10 9	5 10 9	Accoutrements	6 8 9		6 8 9
Incidents	19 2 3	18 5 0	37 7 3	Horses	91 0 0		91 0 0
Rent		44 15 4½	44 15 4½	Forage	664 17 8		664 17 8
				Incidents	1,174 10 7½	414 4 1	1,588 14 8½
Balance	15,161 3 8½	15,762 0 8½	30,919 18 4	Balance 31st March 1834	26,493 3 6½	17,649 0 5½	44,142 3 11½
			30,919 18 4				44,142 3 11½

Heads of Expenditure.

Buildings.

125. Some particulars of the above disbursements in salaries, &c. have been already stated. The charges for rents and taxes are for the police offices and watch-houses. Buildings and repairs are carried on by the authority of the chief magistrate. An architect is employed who is remunerated by his professional charges on the works, which in some years amount to £70 and £80. The buildings, &c. are done by contract, which are advertised for. This part of the establishment is not under the control of the Board of Works.

The expenditure under this head for the year 1832 was much more considerable; it amounted to £200 12s. 3½d., including the cost of building a new watchhouse.

Law Expenses.

The average amount of Law Expenses is about £1,000 a-year. It is chiefly for the cost of prosecutions instituted by direction of the magistrates of the head office. Two barristers and a solicitor are appointed by them to this duty. It has been suggested to us by one of the persons officially employed in the late investigation into this establishment by order of Government, that the charges for these prosecutions should not be included in the police accounts of the city of Dublin; and that it would be better that all Law Expenses of that nature should be provided for in one vote of Parliament, so as to have all the expense of prosecutions before the public.

Hue and Cry.

The charge for the Hue and Cry is £500 of the late Irish currency per annum. This publication is distributed to the county magistrates (48 Geo. III. c. 140, s. 41.) and as it relates to the detection of offenders in all parts of Ireland, it seems more properly to be a charge to be defrayed separately by Government than as part of the local expenditure of the Dublin police.

The supply of coals, candles, clothing, accoutrements, and forage, are provided for by contracts made on public advertisements; and although the contractors are generally for some years the same individuals, we have no reason to believe that this part of the establishment is not managed with a proper regard to the public interests.

The item of "incidents," in the above account of disbursements, is composed of several charges, the most considerable of which is the sum paid for rewards to police officers and

others for their exertions in the apprehension of offenders. These rewards are paid on the appropriation of the magistrates of the head office. They amount to about £900 a-year.

The other charges comprised under this head are certain monthly expenses at each divisional office of from £3 to £4, charges for gas-lights, insurances, apothecaries' bills, and expenses attending the funerals of deceased constables and watchmen.

127. The Accounts of receipts and disbursements of the establishment are kept by the officer we have mentioned called "the Receiver of the public offices," appointed under the 48 Geo. III. c. 140, s. 4. Accounts and Receiver.

All the funds of the public offices, arising from the several sources of income we have specified, are paid to this officer, and disbursed by him under the authority of the magistrates of the head office. He is, in fact, the treasurer of the establishment, though the actual deposit of the money is, in his name, in the Bank of Ireland. He has no control over or interference with the collection of the fund, and his office appears to be, in every respect, merely ministerial for the receipt and disbursement of the annual income.

His duties are prescribed by several provisions of the 48 Geo. III. c. 140.

By section 37, he is bound, when and as required, to make reports to the chief secretary to the Lord Lieutenant, or to the under secretary, of all matters relating to the business of his office; such return, if required, to be made on oath administered by the lord mayor.

By section 83, he is bound, as often as he shall have in his hands, of the moneys which by the Act he is authorized to receive, so much as shall amount to £100, to deposit it in the Bank of Ireland, and as often as occasion shall require, to draw orders on the Bank for payment of the sums necessary for the several purposes and expenditures directed by the Act, and not expressly charged on any other fund, "specifying in every such order the purposes to which such sums are to be respectively applied." The 84th section imposes a penalty of £20, and interest at the rate of 10 per cent. for every sum detained, on any neglect or refusal by the receiver to make such deposit.

The balances in the Bank of Ireland on this account are occasionally considerable. No profit whatever is made of the public money by the receiver. He has not any private account in the Bank.

The following balances were in the Bank at the respective dates:

	£	s.	d.
5th January 1833	-	-	8,793 10 9
5th October 1832	-	-	6,621 0 0
1st January 1833	-	-	4,048 0 0
1st October 1833	-	-	7,298 18 4
4th January 1834	-	-	8,086 11 0

The actual balance of the receiver's accounts in favour of the public usually exceeds the balance in the Bank, as he is in the habit of making occasional advances to the magistrates and officers, and to the tradesmen and contractors employed. These advances are generally made at his own risk, and he stated to us that he had occasionally lost money by the persons to whom they were made dying before the day of payment of their salaries. It is, we think, an inconvenient and objectionable practice.

By section 85 of the 48 Geo. III. c. 140, the receiver's accounts are to be audited and settled every three months by the divisional justices, or any two of them, at the head office; and by sec. 86, they were to be audited every six months by the Commissioners of Imprint Accounts. Very ample powers are given by the 87th, 88th, and 89th sections to them to make a full investigation of the accounts, and the legality and propriety of the expenditure.

It appears, however, as we have already observed, that very serious defalcations took place in the part of those concerned in the collection of the public moneys of this department; and it was stated to us, by one of the officers employed on the investigation above mentioned, that defalcations and frauds had occurred in accounts which had been audited by the commissioners, but that they had not the means of detecting them.

He stated, that the pay-notes did not appear to have been laid before them, and that, on the investigation, those pay-notes appeared in frequent instances to have been falsified. This witness stated, that the financial part of the office was very heavy, and the detail enormous, and that it would be utterly impossible for the magistrates to look into it effectually without neglecting their magisterial duties. Some changes of system appear to have been made on the suggestions proceeding from this investigation, which place the financial department more under the direct control of the secretary of the head office; but it seems to be the opinion of the witness we have alluded to that the magistrates ought to be entirely relieved from all connexion with this department.

The diminution of the annual Parliamentary grants is attributed to the results of that investigation in inducing more economy of expenditure in the establishment, and a more exact and faithful collection of the taxes levied for its use.

Besides his duties in the receipt and disbursement of the police and watch funds, the Receiver of the public offices is also entrusted with the sums presented by the grand jury for the Richmond Bridewell and Smithfield Penitentiary, under the 90th section of the 48 Geo. III. c. 140. The amount of these sums has been already stated. Duties of the Receiver as to the Bridewell.

The respective governors of these institutions prepare the estimates of the sums required, which they send to the receiver. His duty, in respect to them, is merely to see that the calculations are correct, and the estimates are then sworn to by the governors, and sent before the grand jury.

MUNICIPAL
REGULATIONS.

The accounts of these moneys are distinct from those of the police funds, and the moneys are lodged to a separate account in the Bank of Ireland. They are disbursed by the receiver to the contractors, &c., of whom a list is furnished to him by the grand jury.

For his duties, in relation to these accounts, the grand jury present to the receiver £25 each presenting term, for the accounts of Richmond Bridewell, and £12 10s. for those of Smithfield Penitentiary, being £75 a-year.

We are not aware of any adequate practical reason for separating the care of this particular branch of the grand jury presentments from the general duties of the officers of treasurer and secretary to the grand jury. The preparation of the accounts of these moneys does not appear generally to occasion any increase of expense to the receiver of the public offices. The books and accounts are kept by him, aided by the clerk usually employed in his office in connexion with the police department; but it appears, and has been admitted by the receiver, that on one occasion the receipt for the payment of the sum to be presented to him for keeping the accounts was signed, by his direction, in his son's name, by the clerk, as if the accounts had, in fact, been kept by his son.

The receiver had, however, previously paid the amount to his son; this was, of course, merely gratuitous, as the accounts and books for the period had been kept by the receiver and his clerk. The statute 48 Geo. III. c. 140, does not direct any presentment to the receiver for keeping these accounts.

Observations.

128. The objections which have been made before us to the present system of the police magistracy in Dublin are chiefly referable to the general objection which prevails so strongly to the constitution and proceedings of the corporation—that the choice of magistrates is confined (except as to the barristers attached to each office) to the members of a body which is obnoxious to a large proportion of the inhabitants, from its exclusive and intolérant principles and conduct. Their appointment to the places of divisional justices does not require them to vacate their corporate offices. They, therefore, still appear to the public as participating in the acts and opinions of an exclusive political party, with whom they thus continue to be associated; and the confidence which should, and in general, we believe, might justly be entertained of the impartial exercise of their magisterial functions, is lost in the suspicion and distrust which attach to the members and adherents of the corporation.

Recent Act as to
Licences.

The law as to Licencers for the sale of spirits, &c., by retail, has been, recently, materially altered by the 3, 4 William IV. c. 68.

The previous enactments on this subject required a certificate to the party seeking a licence in the district of Dublin metropolis from the divisional justices of police.

Their functions in this respect have been transferred to the Court of Quarter Sessions, with the advantage of a public inquiry in that court, on due notice to all parties interested in objecting to the character of the applicants.

Much of the evidence laid before us, connected with this topic of Inquiry, consisted of complaints against the mode in which the power of granting such certificates was administered under the former code. It appeared, we think, that the magistrates trusted too implicitly to the representations of the inferior officers of police, and that several of the latter abused this confidence for purposes of emolument to themselves.

A very prevalent system appeared to have existed of purchasing the favour of these officers by presents of articles of grocery, &c., to secure their interest in obtaining the magisterial certificates.

The practice of some officers in informing against publicans for breaches of the statutory regulations affecting that trade was made another source of considerable emolument, and also enabled them to exercise an indirect influence over those exposed to such information. In the course of the inquiry into these matters so much misconduct was established against two of the officers attached to one divisional office, that the justices of the office thought proper to suspend them, and they shortly afterwards resigned their situations.

There was evidence laid before us of reluctance or negligence of the peace officers in enforcing the provisions of the 3, 4 Will. IV. c. 68. This Act came into operation, for some purposes, on the 29th August 1833, but does not appear to have been put efficiently into force until the month of December in that year. This was ascribed to some difficulty in having the proper forms of summonses, notices, &c. prepared. Even in January 1834, we had evidence of numerous instances of violation of the proscribed regulations as to the hours of closing houses, and places of sale of spirits, &c., without any efficient check on the part of the police.

The number of licensed public houses in Dublin is very considerable, nearly 1,200, and a police magistrate of considerable experience stated to us his opinion, that the system of fining their owners for violations of the regulations had not been effective in preventing such houses from being open at unlawful hours. He stated that fines had been imposed and levied in his division to the extent of nearly £300 a-year, on an average, for the last three years, without producing any visible improvement.

PAVING AND
CLEANSING,
LIGHTING AND
IMPROVING.

Original Obligation
of the Corporation
of Dublin.

129. THE duties of Paving and Cleansing the city appear to have been imposed upon the corporation of Dublin as the consideration for their enjoyment of certain portions, at least, of their ancient revenues.

The performance of these duties, and of the Lighting and Improving of the city, has been the subject of legislative regulation in a great number of successive Acts of Parliament, under which, at first, the management was vested, almost exclusively, in the corporate officers; but

afterwards, by degrees, as each successive system was found to fail through the misconduct of the managers, new methods were devised, until, ultimately, the corporation have been almost totally disconnected from administration of the funds, and relieved from the performance of the trusts.

Some payments are still annually made to these uses from the revenues of the corporation.

We deem it right to detail here, briefly, the former History of these Trusts as appearing upon the statute book; a task, which is, in some measure, necessary to explain the existing enactments.

History of the
Trusts.

The earliest Act of Parliament for regulating the Paving and Cleansing of the streets of Dublin appears to have been made in the year 1717, 4 Geo. I. c. 11.

Paving and
Cleansing.

That Act stated, that the public pavements in the city and suburbs, and the adjoining Liberties, were, in many places, very much out of repair, and in several places raised to such a height that carriages or horses could not with safety pass over; and it was enacted, that the lord mayor, with one of the sheriffs, and two of the aldermen, to be nominated by the lord mayor from time to time as there should be occasion, in the city, and the sevenshals, with three of their lieut. jury, in the several liberties, should direct the levelling, new paving, raising, and mending of the pavements; and they were empowered to charge the chieftennants inhabiting houses, and the owners of waste ground, with the price for paving, altering, or amending the pavements before their houses and grounds, so as it should not exceed 20s. at any one time.

The "scavenger of the city" (a corporate officer) was directed, two days in every week to be appointed by the lord mayor, to carry away the dirt, soil, and filth, out of every street and lane; and the inhabitants were compelled, before nine in the morning of those days, to sweep and cleanse before their houses, so as to have the dirt and soil ready for the scavenger to carry away.

In the year 1719, it is stated, (6 Geo. I. c. 15,) that, by reason of the great extent of the city, it was almost impossible for the lord mayor to see the former Act duly put into execution, and it was therefore enacted that the lord mayor and one sheriff within the city and suburbs, and every alderman within his respective ward, taking to his assistance the deputy alderman of his ward, might regulate the pavements.

No general rates were imposed by those Acts on the city and suburbs, but (there being no law in being that obliged the inhabitants of the liberties to pay the scavengers, by means whereof the streets and lanes were "extreme dirty and full of filth and rubbish,") the grand juries of the lieets in the liberties were empowered to appoint scavengers, and by presentment to ascertain the sums of money that the inhabitants should pay to the scavengers for cleansing, to be applied and levied.

In 1729, it was found, (3 Geo. II. c. 13,) that those Acts had proved ineffectual for the amendment of the pavements, cleansing of the streets, and removing nuisances; and the lord mayor was empowered, to execute the powers, both as to cleansing and paving, without the assistance and concurrence of the other persons who were required to join by the former Acts, and those persons were discharged from all the powers and trusts in relation to sweeping and cleansing.

The churchwardens and directors of the watch in each parish were charged to examine and return all defects in the paving and cleansing, and the lord mayor was required to execute the trust reposed in him according to such returns.

The pavements, &c., were managed under those Acts until the year 1774, when an Act was passed, (13, 14 Geo. III. c. 22,) which states, that the streets, quays, bridges, &c., were not properly pitched or paved, and that the methods then prescribed by law for the paving the streets were ineffectual.

A corporate body, by the name of "The Commissioners for Paving the Streets of Dublin," was created, consisting of the lord chancellor, chief justices, &c., the lord mayor, recorder, sheriffs, 15 aldermen, and 15 common councilmen, (to be elected in common council by ballot,) the archbishop of Dublin, and the sevenshal of the manor of St. Sepulchre, the lord of the manor and the sevenshal of the manor of Thomas Court and Denore, the deans of Christ Church and St. Patrick's, and 37 persons named in the act.

The city was divided into five divisions, and the Protestant parishioners (s. 4) were directed to elect 12 persons in each division, who, together with three of the aldermen and three of the common councilmen elected as commissioners, should constitute a committee for carrying the Act into execution in each division.

The commissioners were empowered (s. 74) to enforce the execution of the former Acts, and various new enactments were made, the execution of some of the provisions being confided to the commissioners; of others to divisional committees.

The commissioners were empowered (s. 11) to appoint clerks, treasurers, receivers, surveyors, and other officers, and to make allowances to them, and to ascertain the proportion of the expense attending the same, as they thought proper, upon such division of the city as to them should seem reasonable.

The committees were authorized to appoint a clerk and a supervisor, and fix their salaries.

The commissioners (s. 15) had the ordering of the works; the committees (s. 17) were empowered to make contracts for the paving, to be approved of by the commissioners.

Where the duty of paving or repairing had been accustomed to be performed by any particular parish or corporation, and not by the owners or occupiers of the houses, &c., adjoining the pavements, it was directed (s. 31) that they should be paved and repaired at the expense of

MUNICIPAL
REGULATIONS.

such parish or corporation by the paviours contracting with the commissioners, unless (s. 32) the commissioners compounded with them for a certain sum by the foot, &c.

And for defraying the charges of paving and repairing, it was enacted that rates should be laid and assessed by the commissioners upon all the lands, houses, shops, warehouses, cellars, vaults, or tenements, within the city, liberties, and other places mentioned, in such sums as the commissioners should order, not exceeding 1s. in the pound, in any one year, of the yearly rent as rated for the watch tax, and upon public buildings, dead walls, and void spaces, &c., (ss. 41, 45,) at a rate by the square yard, &c., to be settled by the commissioners.

By this Act regulations were made (ss. 22, 27, 28,) respecting pavements to be made by the persons who furnished water to the inhabitants of the city; and after ratifying (s. 25) the agreement between the corporation of Dublin, and the Grand Canal Company, respecting the supplying of the city with Water, it was enacted, (s. 35,) that the respective committees should have full power and authority, from time to time, to cause all or any part of the squares, streets, and lanes, to be well watered, as often as there should be occasion, in such manner as they should direct, and defray the expenses arising thereby out of the money to be raised by virtue of, or appropriated for, the purposes of this Act, (s. 43.)

It was also enacted (s. 52) that the commissioners, or committee, should have power to oblige all the inhabitants of quays to keep in order the walls that embanked the river before their respective houses; provided (s. 53) that this should not extend to exonerate the corporation of Dublin, or any person bound by custom or contract to build, or repair, the walls on the river; but the corporation, and other persons liable, should be compelled thereto by the commissioners, or committee, as persons inhabiting of quays were subject and liable to.

In 1776, it was found necessary (15, 16 Geo. III. c. 30,) to require a certain qualification in the commissioners and committee men; several additional commissioners were named; the provisions were extended to two other divisions, viz. the baronies of St. Sepulchre and Donore, (s. 35,) but repealed as to the latter in 1780, 19, 20 Geo. III. c. 44, s. 17,) and the commissioners were empowered to borrow money at interest upon mortgages of the reversion. A power was also given them (s. 18) of enclosing waste grounds at the expense of the party.

By this Act (s. 27) the governors of the Lying-in Hospital were to be charged with £30 yearly, and no more, (s. 29;) the provost, &c., of Trinity College £70 yearly, and no more; and the Corporation of Dublin for the pavement at or around St. Stephen's Green, £20 yearly, and no more. (The clause as to Trinity College was repealed by the next mentioned Act, s. 5.)

In 1782, (21, 22 Geo. III. c. 60,) it is stated that "by mismanagement of the fund a considerable sum had been profusely expended, and also a very heavy debt induced on the public, by means whereof the fund was greatly diminished, and yet many streets, and other public, were in a worse condition than they were before the said Acts of 1774 and 1776 passed;" and it became necessary to dissolve the then existing body, and to appoint other commissioners, with powers to carry the Acts into execution; in doing this the 15 aldermen and 15 common councilmen (elected by ballot) were excluded, and the lord mayor, recorder, sheriffs, two senior aldermen, and two senior sheriffs' peers, only, were admitted from the corporation, and associated with "the Members of both Houses of Parliament," and 47 persons named in the Act.

By this Act the qualification of commissioners was greatly increased; the parochial committees were altogether superseded, their powers being vested in 10 of the commissioners nominated out of the body at large for each of the six wards or divisions into which the city was then divided.

In 1784, (23, 24 Geo. III. c. 57,) a considerable debt still remained due, and many streets and other places were in a worse condition than they were before the Act of 1782 passed; and the benefits to the public, expected to arise thereby, had not accrued, and it became expedient to dissolve the then existing corporation.

It was also found, that the streets had not been cleansed or lighted, and that the persons under whose management they had been, had not effectually executed the powers by law vested in them for the purpose.

The Cleansing, as already stated, had remained under the direction of the lord mayor.

The Lighting of the city had originated in an Act of 1697, (9 Will. III. c. 17,) by which the corporation of Dublin were empowered for 21 years to cause public lights to be erected and maintained in the city and its liberties; and the Archbishop of Dublin, and the Earl of Meath, were empowered in like manner, in their liberties; rates of 3s. and 2s. on the inhabitants of certain houses were imposed.

A merchant, named Michael Cole, was appointed the deputy of the corporation to put the Act in execution for a term of 18 years.

The powers of the corporation were further continued by an Act made in 1717, (4 Geo. I. c. 9, ss. 6 to 11;) but, in 1719, the authorities were transferred on two merchants, named William Aldrich and Hugh Cumming, for a term of 21 years, by an Act (6 Geo. I. c. 18,) which received amendments in 1721 and 1723, (8 Geo. I. c. 16; 3 Geo. II. c. 22,) and those Acts were continued for a further term of 21 years in 1737 and 1741, (11 Geo. II. c. 19; 15 Geo. II. c. 11,) but the expense of the lighting was then directed to be apportioned to the parishioners, &c., ratably as for the watch-tax.

In 1759, the former term being about to expire, (33 Geo. II. c. 18,) the citizens, in order

Watering the
Streets.

Composition with
the Corporation of
Dublin for certain
Pavements.

Cleansing.
Lighting.

MUNICIPAL
REGULATIONS.

to effect so useful a work as the effectual lighting of the city, agreed to raise the money necessary for the purpose by a reasonable tax and assessment on the inhabitants; and it was enacted, that the parishioners of the several parishes should light the lamps of their respective parishes and liberties, the lamps to be of such sort and fashion as to the corporation of Dublin, in common council assembled, should seem proper; and that the parishes, at their vestries, in March in every year, should assess and levy upon all persons inhabiting or holding premises, who were liable to pay watch money, such competent sums of money as the churchwardens and parishioners should order and direct to be raised rateably in proportion as they paid by way of watch money. The corporation, in common council, were required, annually, to ascertain the prices for supplying, lighting, and maintaining each lamp for one year; and the churchwardens, who were empowered to make contracts for the work, with the consent of the parishioners, for the best terms they could, were restricted to the making of annual contracts for sums not greater than those appointed in common council.

Aldrich and Cumming had conveyed to Joseph Damer, and his executor, John Damer, was willing, on being paid the sum due to him, to assign over, the lanterns, lamp irons, banners, posts, ladders, and other utensils, to the corporation of Dublin, or such persons as they should appoint; and the parishes having taken into consideration the great services of Aldrich, and the losses sustained by him and his representatives by the misconduct and embezzlements of the representatives of Cumming, and also the use which the lamps and utensils would be of, if handed over to them, agreed to give £1,500 for the purpose, and accordingly they were enabled to assess to that amount, to be paid to trustees to be applied to pay John Damer what was due to him, upon his handing over the lanterns, &c.; and the surplus to Jane Glascock, Aldrich's only child.

The Acts renewed in 1741 were, in 1761, (1 Geo. III. c. 17, s. 20,) continued for 21 years from the 1st of May 1763, and thence to the end of the next session of Parliament.

Under these provisions the city was lighted up to the time of the before-mentioned Act of the session 1784, (23, 24 Geo. III. c. 57,) when it was considered expedient that the ordering, directing, and managing, of the Cleansing and Lighting of the streets, and the ordering, designing, and making of all common sewers, drains, and vaults, should be put under the care of the same body who should have the direction and management of the Paving of the streets. And therefore the powers of all persons and bodies corporate for the cleansing and lighting of the streets, &c., were, as to them, determined; and seven persons were named to be "directors" of the paving, cleansing, and lighting of the several streets, and other places in the city, and other works to be done in pursuance of the Act, without salary, &c., and they were empowered, with the approbation of the Lord Lieutenant, to appoint five "commissioners," who should have £1 a-day each, for every day's actual attendance; and the several powers of the several Acts were vested in the directors and commissioners, the directors being authorized to remove the commissioners, with the assent of the Lord Lieutenant, and also to appoint to vacancies in their own body. These persons were incorporated by the name of "The Directors and Commissioners for Paving, Cleansing, and Lighting the Streets of Dublin."

The former commissioners had contracted a debt of £35,000 and upwards, and were directed to account with the new body; and the new corporation were empowered to raise sums not exceeding £10,000 upon mortgages of their rates.

It was recited (s. 14) that it was incumbent on the lord mayor, sheriffs, commons, and citizens of the city of Dublin to have and keep in repair certain parts of the said city, the annual expense of which was estimated to amount to £300, and upwards; and it was enacted that those parts should be paved and repaired by the pavlours, &c., contracting with, or employed by, the directors and commissioners, and that in order to defray the expense thereof the lord mayor, sheriffs, commons, and citizens, should pay the annual sum of £300 sterling out of the revenue of the said city, arising by tolls and customs, by half-yearly payments on every 25th of March, and 25th of September.

The directors and commissioners were to make and erect in or near the markets, and such other places as to them should seem proper (for the health, convenience, and benefit of the poor, and the cleanliness of the city,) such number of Public Fountains and conduits for the supply of water as necessary, the number not to exceed 20, and the rate for each fountain not to exceed £20, one with the other.

It was also recited (s. 21) that the Cleansing of the streets, and other places of the city, had theretofore been conducted under the direction of the lord mayor, sheriffs, commons, and citizens, and the expense thereof had been defrayed by them out of the revenue arising by the tolls and customs of the said city; and that it appeared, by a resolution of a committee of the House of Commons, that upon an average of 10 years the sum of £2013 had been yearly applied by them for the purpose; wherefore, and towards the enabling the directors and commissioners to defray the expense of cleansing the streets out of the funds theretofore applicable to the same, it was enacted that the lord mayor, sheriffs, commons, and citizens, should pay to the directors and commissioners the annual sum of £2,000 out of the revenue of the city arising from the tolls and customs thereof, or so much thereof as such tolls and customs should be sufficient to pay.

An additional paving rate of 6d. in the pound was authorized, and the lighting rates were fixed at 1s. 6d., 1s., and 9d. in the pound on three different classes of houses, &c.

In 1786, all the foregoing Acts (with the exception of certain clauses, &c., not material to mention, except that the clause relative to the agreement between the corporation of Dublin and the Grand Canal Company was saved,) were repealed, (26 Geo. III. c. 61,) and the

Management of the
Paving, Cleansing,
and Lighting, &c.,
consolidated.

Second Compo-
sition with the
Corporation of
Dublin for certain
Pavements.

Public Fountains.

Composition with
the Corporation of
Dublin for the
Cleansing of the
City.

MUNICIPAL
REGULATIONS.

provisions (with alterations) were consolidated into one Act, the debt, then amounting to £45,271 9s. 4½d., being charged on the new rates. Power was given to borrow, upon mortgages of the rates, sums not exceeding £10,000.

The powers of the directors and commissioners under this Act for paving, &c., were extended as far as the public lights should extend within the limits of the Circular Road, and an Act of 1772, (11, 12 Geo. III. c. 13,) for the paving, cleansing, and lighting of Sackville Street, &c., was repealed, (s. 139.)

It was recited (s. 38) that the public fountains, or conduits, erected under the Act of 1784, had been found to contribute greatly to the health, convenience, and benefit of the public, and in particular to the poor of the city, and the cleanliness thereof; and it was enacted that the directors and commissioners might make and erect in the streets, &c., such number of fountains, or conduits, for the supply of water, as they should think necessary, and pay for the same out of the funds arising by the Act.

And (s. 39) that they should have full power and authority, from time to time, to cause all or any part of the public streets, or passages, to be well watered, in such manner as they should appoint; and, if necessary, to cause to be dug and sunk in any of the streets, or passages, any well or wells, and also to erect one or more pump or pumps for the purpose.

The provisions charging the corporation of Dublin with annual sums of £300 and £20 were renewed, (s. 79,) and in consideration of such payments they were discharged and exonerated from the costs and expenses of the pavement round Stephen's Green, and the other pavements.

Composition with
the Corporation of
Dublin for certain
Lights.

It was also stated that they had been used to maintain and light Lamps at the mansion house, theatre, and market house, and it was enacted (s. 80) that the treasurer of the city should pay, for that purpose, the annual sum of £20, by half-yearly payments, on the 25th March and 29th September, and that, in consideration thereof, the corporation should be exonerated and discharged from the costs and expenses of lighting and maintaining such lamps.

The other provisions of the former Acts were, substantially, readopted. The annual rate for paving was limited to 1s. 6d. in the pound; the rates for lighting to 1s. 6d., 1s., and 9d., as before, (ss. 52, 53.)

A provision was introduced, (s. 50,) charging the owners of grounds and houses in new streets, for the making of foot-ways, carriage-ways, and sewers, in proportion to the extent in front of each house, or lot of ground.

Agreement of the
Corporation of
Dublin to supply
Water.

By an Act of 1788, (28 Geo. III. c. 50, s. 30,) for the better supplying the city with Water, reciting the benefits arising from the fountains and conduits then erected by the commissioners, and that they had been prevented from extending these benefits throughout their jurisdictions for want of the necessary and constant Supply of Water, and had proposed to the corporation of Dublin to pay them £150 per annum, the better to enable the corporation to extend their mains and works for the supply of water to the fountains or conduits to be erected by the commissioners in such places as they should think proper, it was enacted, that the agreement should be ratified and confirmed, and that the commissioners should, out of their funds, pay the corporation the sum of £150, in one or more payments, in every year, for ever.

By an Act of 1790, (30 Geo. III. c. 42,) several amendments in the then subsisting enactments were made, and amongst other things the corporation for paving, &c., were empowered to repair and make the roads to the city, lying between the end of the pavements and the Circular Road; but in 1797 (37 Geo. III. c. 22,) they were directed to discontinue such repairs if the grand juries of the city and of the county Dublin, &c., did not make provision by presentment, &c., towards the expenses.

The borrowing (with the approbation of the Lord Lieutenant) of further sums of money, not exceeding £10,000, was authorised. In 1800 other alterations were made, (40 Geo. III. c. 62, ss. 13 to 15.)

The trusts of these Acts seem to have been very seriously abused, for, in 1805, (45 Geo. III. c. 112,) it became necessary to appoint commissioners of inquiry into the conduct of the directors and commissioners, and to provide for the suspension of their powers.

And upon the report made upon that inquiry the powers of the former corporation were suspended, (40 Geo. III. c. 68,) and new commissioners were temporarily appointed.

An advance of money out of the consolidated fund, not exceeding £30,000, was provided for the purposes of paving, &c.; the sums so advanced (with interest) to be paid and redeemed out of the produce of the rates as thereby directed.

Acts now in force.

In 1807, (47 Geo. III. (loc. & pers.) sess. 2. cap. cix.) all the former enactments were repealed, and the Act which now principally regulates the paving, lighting, and cleansing of Dublin was introduced.

This Act has been followed by another passed in 1814, (54 Geo. III. (loc. & pers.) cap. cxxi.) making certain alterations.

Local Limits of the
Jurisdiction.

130. The Act of 1807 (s. 1) recites, that there are divers considerable districts within the Circular Road surrounding the city of Dublin, which had been wholly, or in part, exempt from the jurisdiction of the Directors and Commissioners, &c., and from the taxes for paving and lighting vested in them; and that it was expedient that the said districts should be subject to the Jurisdiction of the Commissioners then to be appointed, and accordingly all places within the Limits of the Circular Road, &c., (thereby, ss. 7 and 8, and by the 54 Geo. III. s. 1, particularly defined,) are placed under their jurisdiction.

In 1785, an Act (25 Geo. III. c. 43) was made for the completing and effectually lighting of Rutland Square, and the better support of the Lying-in Hospital. This refers to the general Paving and Lighting Act of 1784. A tax of 1s. 9d. per foot running measure was imposed on the houses from No. 1 to No. 48, payable to the governors of the hospital, to create a fund for lighting lamps on the rails, enclosing the gardens, and for the benefit of the hospital. The lights in front of the houses, also, were placed under their direction, the Act compelling the owners of each house to erect and keep in repair one, two, or three lamps in front, according to the number of feet in front, and taxing them at the rate of £1 14s. 6d. per year for each lamp. It further enacted, that the inhabitants, on complying with the requisites of the Act, "shall be for ever after exempted from any tax or impositions whatsoever imposed by virtue of any law now in force or hereafter to be made for the lighting or regulating the lamps of the city of Dublin, or any part thereof."

The Act of 1807 (47 Geo. III. c. 109, s. 1,) recited, that there were divers considerable districts within the Circular Road exempt from the jurisdiction of the commissioners and the taxes for paving and lighting, and that it was expedient that those districts should be subject to the jurisdiction of the commissioners; and it imposed the general tax for defraying the charges of paving, repairing, and lighting the streets, squares, &c., within those limits, in general terms, and without any exception of Rutland Square, or reference to the Act of 1785.

In 1810, an Act (50 Geo. III. (loc. & pers.) cap. cxx.) was passed, whereby, after referring to the 25 Geo. III. and 47 Geo. III., and reciting that doubts had arisen how far the 25 Geo. III. was continued in force, it was declared and enacted, for obviating all such doubts, that notwithstanding the 47 Geo. III. or any other Act, the provisions of the 25 Geo. III. should be deemed, and were declared to be, in force.

Upon this Act it was agreed, between the governors of the hospital and the commissioners, (26 June 1811,) that the account respecting the lighting of the square should be arranged as if the Act of the 47 Geo. III. had not in any manner interrupted or interfered with the Acts then in existence, under which the governors derived their powers of lighting the square.

The subsequent Act (54 Geo. III. (loc. & pers.) cap. cxx.) grants, in lieu of the rates and assessments for paving, repairing, lighting, and cleansing the streets, squares, &c., within the limits of the jurisdiction of the commissioners under the 47 Geo. III., new rates, &c., and does this in general words, and without any exception of Rutland Square, or reference to the Acts respecting it; and the question, whether the exception made by the 25 Geo. III. was not again legally put an end to, again arises.

In practice, however, the exception has been continued, and the assessment has been made by the commissioners upon the square for paving and cleansing only; and a separate assessment, for lighting, has been imposed by the governors of the hospital.

131. The 6th section of the 47 Geo. III. recites the advantages of paving, cleansing, and lighting the streets, of erecting fountains and conduits for the use of the poor and public, of making sewers and drains, and of putting all these works under the care of one Board, and therefore empowers the "Lord Lieutenant, or other Chief Governor or Governors of Ireland for the time being, to nominate three persons to be commissioners for these purposes;" and the 5th section makes them removable at his or their pleasure.

Constitution of the Board.

By the 12th section, the three commissioners are made a corporation, by the name of "The Commissioners for Paving, Cleansing, and Lighting the Streets of Dublin;" and any two of them (s. 13) are enabled to exercise all their powers.

Summary of their Powers.

The appointment and removal at pleasure of four principal officers under the commissioners, viz., two supervisors of works, the secretary, and the treasurer, are vested in the Lord Lieutenant or other Chief Governor of Ireland for the time being; with a Power in the commissioners also of removing or suspending them, and, during such suspension, of appointing others to their offices.

The appointment of their collectors and all other officers and servants, and the powers of removing and suspending them, are placed altogether in the commissioners.

They have a jurisdiction to try offences against these Acts, and to impose fines (not exceeding 40s.) for neglect to attend to their summonses, and to impose a new fine for every successive neglect. Any one or more of them may examine on oath, and hear and determine such complaints.

They are enabled to purchase ground and to take down houses for enlarging the public passages, and to issue their precepts to the sheriffs of the city to return juries for ascertaining the value of such premises, and to give judgment for the sums of money to which they shall have been valued. Special provisions are made for the application of such purchase moneys, which are charged upon the funds of the commissioners. But it is provided that this shall not extend to authorize the commissioners of paving to make new streets or passages, or to widen or lay out streets which shall be under the direction of the Commissioners for making Wide Streets. Powers are given them also to widen any old road between the Circular Road and the pavements.

It is also provided by the 47 Geo. III. s. 134, for the purpose of empowering the inspectors of nuisances to act as constables under that Act, that the lord mayor of the city, upon a certificate being returned to him by the commissioners that the persons therein named have been appointed to any employment under the commissioners, shall swear such persons, not exceeding eight in number in the whole, into the office of constables under that Act.

All money raised under the Act, and all fines and forfeitures paid, are vested in the commissioners, together with the property in the works; and they are empowered to order and direct the squares, streets, lanes, courts, alleys, quays, and bridges, to be pitched, paved,

MUNICIPAL
REGULATIONS.

required, raised, lowered, or altered, and for that purpose to be stopped up; and to remove all posts, rails, &c., and all encroachments and projections beyond the front wall of each house; and to employ such artificers, workmen, labourers, carters, and others, and to do all and every such other acts and things touching the premises, as they shall judge necessary. They are also authorized to enter into contracts for paving or keeping in repair, or for cleansing or lighting, all or any of the streets, &c.

Several provisions are made for the mutual regulation of the works of the commissioners and those of the pipe-water committee of the corporation of Dublin.

The erection of public fountains and conduits, the watering of the streets, the making, repairing, and cleansing of sewers and drains, are intrusted to them, together with the administration of a great number of minute provisions for regulation of the highways, markets, &c., and the conduct of the inhabitants, the drivers of carriages, &c. &c. &c.

They are also invested with a most extensive jurisdiction of assessing the inhabitants by general rates on the valuation of houses and the measurement of other premises, to what rates certain limits are fixed; and also by a variety of special rates for watering the streets, making sewers, and other works.

These statutes, in general, require the concurrence of two of the commissioners to the validity of the acts of the Board, except where they sit judicially, in which cases any one of them is empowered to hear and determine the complaints, &c.

List of Commissioners
from 1807.

The Commissioners under the Acts of 1807 and 1814 have been the following persons, at the several periods specified.

1807.	1. Major Alexander Taylor	1822, Nov. 27th.	1. Major Alexander Taylor
"	2. Alderman Henry Hutton	"	2. Alderman Mark Bisham
"	3. Alderman Frederick Darley	"	3. Thomas Newcomen Edgeworth, Esq.
1808, Feb. 18th.	1. Major Alexander Taylor	1823, Aug. 15th.	1. Major Alexander Taylor
"	2. Alderman Frederick Darley	"	2. Thomas Newcomen Edgeworth, Esq.
"	3. Alderman Joseph Poulerton	"	3. Alderman Richard Smyth
1808, Sept. 1st & 2nd.	1. Major Alexander Taylor	1827, Feb. 5th.	1. Viscount
"	2. Alderman Hugh Trevor	"	2. Thomas Newcomen Edgeworth, Esq.
"	3. George Baring, Esq.	"	3. Alderman Richard Smyth
1809, Jan. 18th & 25th.	1. Major Alexander Taylor	" Nov. 23rd.	1. Alderman Richard Smyth
"	2. Alderman Mark Bisham	"	2. Colonel George Harris
"	3. Thomas Nesbitt, Esq.	"	3. Hickson Kearney, Esq.
1820, Dec. 23rd.	1. Major Alexander Taylor		
"	2. Alderman Mark Bisham		
"	3. Sir Charles Coote, Bart.		

Former Mismanage-
ment.

The above-named Major Alexander Taylor appears to have been one of the Commissioners of Inquiry, under the Acts of 1805 and 1806, who was most active in exposing the abuses and corruptions of the former "Directors and Commissioners," and in the devising of a new system put into operation in 1807; but that new system, it appears, did not, under its subsequent superintendence, produce relief from the weight of local taxation. On the contrary, in the hands of Major Taylor and others, the enactments of the new statutes became the means of oppression and abuse, unexampled in the former mismanagement of the local affairs of the city.

Commission of
Inquiry, and Report
of the Commissioners,
in 1825.

The complaints of the inhabitants were long unattended to. After the appointment, however, of one of the present commissioners of paving, (Alderman Smyth,) in 1825, his fraudulent conduct of the prior commissioners and their officers was detected; and an inquiry was held before two gentlemen of the Bar, (J. T. Hall, Esq., and W. D. Freeman, Esq.) who made their report on the 7th of November 1825, which was afterwards, with an appeal of the evidence taken before them, printed by order of the House of Commons in May 1826. That report (of 1825) contains an exposure of the maladministration of the funds granted previously to its date; and it will be sufficient in most respects to confine our present observations to subsequent transactions.

The present Board.

In 1827 the present Board of Commissioners was formed, consisting of Alderman Smyth, who was promoted to be chief commissioner, and of Colonel Morris, and Mr. Hickson Kearney.

Improvements
effected.

There can be no question that a very improved system of management has been organized under the new commissioners, and that many of the defects pointed out in the report of 1825 have been remedied.

For instance, upon a comparison of three years ended 5th January 1825, and three years ended 5th January 1832, the average annual amount of losses by uncollected arrears of tax has been reduced from £9,379 15s. to £1,677 1s. 8d., and this appears to have been effected without an oppressive exercise of power, and principally by correcting the neglect, partial, and corrupt practices of the collectors.

Again, the minutes of the proceedings of the present commissioners appear to contain a full record of every transaction of the board; and in all the departments connected with business, the documents are faithfully preserved, and by the arrangements in the office readily accessible.

Further, a very effective control and superintendence of the accounts of the establishment has been carried into effect, and many improvements have been made in matters of minor detail.

Maximum Rate of
Taxation still main-
tained.

But it is to be lamented, that notwithstanding these useful changes, very little relief from the pressure of the Tax has been achieved for the public. In two years, only, since the formation of the present board, has there been any abatement from the Maximum of general Rate for paving, cleansing, and lighting, viz: .

For the year ending 5th January 1829, an abatement of 22½ per cent.
" " " 1832, " 20 per cent.

MUNICIPAL
REGULATIONS.
Exceptions.

The maximum of the rate having been maintained in every other year.

The former abatement in the rate of tax was voluntary on the part of the commissioners, and appears to have been founded upon the improvement of the finances consequent upon the better collection of the tax, and upon there being then in bank, to the credit of the board, a considerable balance, in part, it is alleged, attributable to accidental causes.

The latter abatement was made ostensibly upon a calculation by the commissioners that they could make the remission by confining themselves to necessary repairs in the year 1831, and not undertaking any new improvements; but, in reality, it was made at the special desire of Sir Henry Hardinge, when chief secretary, (urged by the representations of the taxpayers,) and against the opinion of the commissioners.

We shall compress the principal observations, which we think it necessary to make in detail on the present system of management, under the heads of the income and expenditure of the board; treating, under the head of income, of the powers of taxation possessed by the commissioners; and under the head of expenditure showing the extent of the establishment maintained by them, and their mode of conducting their business.

132. We here annex, in the first instance, the following returns of the income and expenditure. We have divided them into three periods, in order the more clearly to contrast the first period, viz., of five years, ended 5th January 1825, in which the affairs were under the control of the commissioners who were dismissed for misconduct, with the third period, viz., of five years, ended 5th January 1833, in which they were under the control of the present commissioners. In the intervening period of three years the inquiry into the affairs was pending, and the alterations of the system were in progress.

The disbursements appear here under the heads of account as used by the commissioners; but we shall have occasion to show there are items which ought to be differently classed, particularly as regards the item of salaries.

REPORTS FROM COMMISSIONERS ON

A RETURN, showing, under the usual Heads, the INCOME of the COMMISSIONERS

Years Ending	Tax.		WORK CHARGES.						Savings for the Year.
	Paving and Lighting.	Watering.	Paving, Mending and Flagging.	Sewers.	Repairs on Fire Engines, and Machinery, and other Expenses.	Lighting of the City.	Lighting of the City.	Lighting of the City.	
31st January 1885, Late Irish Currency	£ 1, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4
" 1886, "	22,304 4 4	1,407 15 5	684 13 4	381 6 5	781 2 6	1,486 5 4	1,486 5 4	1,486 5 4	1,486 5 4
" 1887, "	20,580 9 0	1,369 1 18	530 10 7	400 10 1	5,690 17 1	894 9 8	894 9 8	894 9 8	894 9 8
" 1888, "	20,720 15 9	1,642 9 6	500 9 0	400 10 6	1,851 8 3	484 10 8	484 10 8	484 10 8	484 10 8
" 1889, "	20,500 12 9	1,307 12 8	5,100 10 9	314 9 0	5,610 15 3	1,073 9 4	1,073 9 4	1,073 9 4	1,073 9 4
" 1890, "	24,317 16 13	1,733 11 3	774 13 4	512 13 2	5,945 16 9	773 13 4	773 13 4	773 13 4	773 13 4

A RETURN, showing, under the usual Heads, the INCOME of the COMMISSIONERS

Years Ending	Tax.		WORK CHARGES.						Savings for the Year.
	Paving and Lighting.	Watering.	Paving.	Sewers.	Flagging.	Lighting of the City.	Lighting of the City.	Lighting of the City.	
31st January 1885, Late Irish Currency	£ 1, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4
" 1887, British Currency.	20,545 7 5	2,329 15 7	3,337 15 11	.	.	945 13 2	945 13 2	945 13 2	945 13 2
" 1888, "	20,605 2 0	2,335 8 1	5,530 6 4	388 12 0	567 10 5	105 15 2	105 15 2	105 15 2	105 15 2
" 1889, "	20,500 9 0	2,355 10 5	1,347 17 1	1,948 8 2	500 9 11	49 12 3	49 12 3	49 12 3	49 12 3

A RETURN, showing, under the usual Heads, the INCOME of the COMMISSIONERS

Years Ending	Tax.		WORK CHARGES.						Savings for the Year.
	Paving and Lighting.	Watering.	Paving.	Sewers.	Flagging.	Including the City.	Including the City.	Including the City.	
31st January 1885, British Currency	£ 1, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4
" 1886, "	21,662 3 7	2,399 14 10	5,181 3 11	1,394 18 12	544 0 2	.	.	.	.
" 1887, "	20,209 11 5	2,313 2 1	3,118 6 5	978 8 4	805 12 9	.	.	.	.
" 1888, "	24,554 13 10	1,800 15 7	384 13 10	618 13 10	500 4 10	.	.	.	.
" 1889, "	25,556 11 1	1,810 16 13	1,307 3 9	497 6 10	494 1 11	.	.	.	.
" 1890, "	30,377 19 6	1,853 2 3	768 9 1	1,679 0 2	309 4 4	27 7 11	27 7 11	27 7 11	27 7 11

A RETURN, showing, under the usual Heads, the EXPENDITURE of the COMMISSIONERS

Years Ending	Paving.	Surveying.	Lighting.	Sewers.	Flagging.	Corporation Houses.	Stationery, Printing, and Stamps.	Advertising and Newspapers.	Law.	Savings.
31st January 1881	£ 1, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4
" 1882	9,479 9 8	6,320 5 6	9,200 5 7	1,130 11 4	968 16 10	678 15 12	254 15 7	97 12 6	1,780 15 9	17 10 1
" 1883	9,380 16 8	6,807 16 4	3,200 1 11	1,102 9 10	1,007 9 0	984 2 1	245 16 8	21 19 5	523 2 0	13 10 3
" 1884	5,345 18 8	6,204 15 9	3,410 8 10	1,000 10 0	9,567 9 2	181 14 2	264 17 10	30 9 1	21 15 9	10 10 1
" 1885	5,378 10 11	6,659 11 7	7,600 19 1	1,779 7 0	1,503 17 4	145 13 5	268 13 9	17 1 0	47 5 5	20 10 0
" 1886	14,790 10 9	9,300 15 5	8,804 15 8	809 7 7	3,974 15 5	306 14 7	552 5 11	40 2 5	1,525 12 1	13 10 1

A RETURN, showing, under the usual Heads, the EXPENDITURE of the COMMISSIONERS

Years Ending	Paving.	Surveying.	Lighting.	Sewers.	Flagging.	Corporation Houses.	Stationery, Printing, and Stamps.	Advertising and Newspapers.	Law.	Savings.
31st Jan., 1886	£ 1, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4
" 1887	16,695 4 18	6,104 13 11	6,094 18 9	1,392 18 4	4,121 14 10	549 18 8	900 15 8	105 12 1	104 12 1	20 10 1
" 1888	16,263 2 3	6,321 1 9	6,747 18 7	1,580 13 9	4,320 6 8	550 4 7	802 6 11	69 15 9	506 7 9	18 10 1
" 1889	16,389 4 10	6,260 12 2	6,517 13 0	590 18 2	2,920 5 4	1,345 12 3	365 10 7	229 14 5	345 8 4	20 10 1

A RETURN, showing, under the usual Heads, the EXPENDITURE of the COMMISSIONERS

Years Ending	Paving.	Surveying.	Lighting.	Sewers.	Flagging.	Corporation Houses.	Stationery, Printing, and Stamps.	Advertising and Newspapers.	Law.	Savings.
31st January 1885	£ 1, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4	£ 4, 4
" 1886	16,385 2 6	6,104 9 9	7,044 18 7	1,580 13 19	4,791 14 10	561 9 4	497 10 6	227 5 6	474 12 3	12 10 1
" 1887	13,899 10 5	6,457 7 1	7,680 8 11	1,745 11 9	5,804 9 9	671 3 4	330 13 10	130 10 9	540 13 10	20 10 1
" 1888	15,631 1 6	6,752 12 1	7,845 13 18	1,360 17 4	5,845 13 10	369 10 3	414 7 4	118 2 6	401 11 30	20 10 1
" 1889	7,412 9 0	6,466 5 6	7,771 8 1	1,399 10 18	1,779 4 10	353 1 13	170 8 10	50 12 3	360 5 0	20 10 1
" 1890	10,517 9 4	7,403 13 4	7,068 10 11	1,639 10 5	1,391 1 1	750 5 5	308 14 3	132 15 0	34 17 0	20 10 1

for PAYING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1835.

Expenses payable by the Corporation of the City of Dublin.			Fees.		Fees of Publics of Licensed Bridges.	Houses and Shop-keeping Lots sold.	Old Casks sold.	Miscellaneous Receipts.	Total.
Tramp.	Cleaning.	Lighting.	For Newcomers, &c.	Large houses.					
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
50 0 0	- - -	- - -	56 17 3d	31 7 8	9 23 6d	68 13 7	99 1 1	- - -	30,341 35 9
- - -	- - -	- - -	185 7 7d	48 6 30	56 9 7	21 4 8	18 3 30	599 11 6	30,341 35 9
38 0 0	250 0 0	- - -	30 2 4	37 11 8	38 20 18	- - -	73 3 0	59 6 6	30,834 11 6
65 0 0	- - -	40 0 0	65 1 3d	38 17 8	11 14 18	22 19 9	119 16 0	6 15 4	36,541 4 6
20 0 0	- - -	20 0 0	112 13 3d	31 3 0	26 7 5	6 6 0	139 6 0	156 2 6d	40,127 16 6

for PAYING, &c. the STREETS of DUBLIN for Three Years, ending 5th January 1835.

Expenses payable by the Corporation of the City of Dublin.			Fees.		Fees of Publics of Licensed Bridges.	Deposits for Licenses.	Old Casks sold.	Miscellaneous Receipts.	Total.
Tramp.	Cleaning.	Lighting.	For Newcomers, &c.	Large houses.					
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
35 0 0	- - -	- - -	147 39 4	68 5 12	22 5 9	- - -	69 17 6	156 13 5	40,082 15 9
23 15 2	- - -	38 13 8	518 8 4	90 4 2	- - -	1,363 3 8	6 22 6d	1,052 14 11d	36,497 19 2
49 11 2	- - -	37 33 10	215 1 8	2 8 8	- - -	1,516 3 9	- - -	428 15 7	48,308 14 4

for PAYING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1835.

Expenses payable by the Corporation of the City of Dublin.			Fees.		Fees upon Contractors.	Deposits for Licenses.	Old Casks sold.	Miscellaneous Receipts.	Total.
Tramp.	Cleaning.	Lighting.	Newcomers, &c.	Large houses.					
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
52 12 3d	- - -	15 9 5d	302 33 7d	2 7 0	6 6 0	1,451 1 10	- - -	1,432 2 4d	41,519 9 9
38 4 7d	- - -	18 9 5d	178 15 3d	2 17 6	315 8 7	1,536 4 3d	- - -	1,189 17 11d	42,307 8 11d
42 1 1	- - -	- - -	165 8 6d	1 12 9	382 13 0d	1,467 0 0d	- - -	167 9 7d	41,547 19 0d
40 13 2	- - -	37 33 10	124 12 6d	1 2 9	- - -	1,436 5 3	- - -	89 2 9d	37,647 18 9
48 7 0	- - -	37 33 10	129 4 4d	1 16 0	- - -	1,488 7 0	- - -	55 15 8	41,119 0 0

for PAYING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1835.

Interest.	Salaries.	Tax Refunded.	Poundage.	Watering.	Repayment of Deposits.	Inclosing Ground.	Poundage.	Miscellaneous.	Houses and Farms.	Factory Expenses.	Total.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
129 0 0	5,436 1 4d	- - -	779 9 8	- - -	- - -	- - -	12 9 2	187 18 2d	523 8 4	5,155 13 3	35,953 9 4
129 0 0	4,361 7 9	- - -	568 13 3d	382 14 11	- - -	- - -	269 0 0	140 13 11	1,497 15 12	2,146 13 12	33,713 8 8
129 0 0	4,807 16 8	- - -	762 4 2	- - -	- - -	- - -	- - -	113 9 2	1,869 17 8	2,658 4 5	34,567 11 6d
187 0 0	4,830 13 8	- - -	678 9 7	180 14 2	- - -	- - -	268 0 0	140 9 5	1,636 1 18	1,636 5 0d	34,266 3 12
129 0 0	4,845 15 3	- - -	556 8 7	145 3 3d	- - -	- - -	156 0 0	219 15 4	1,476 13 7	1,525 7 11	45,967 16 6d

for PAYING, &c. the STREETS of DUBLIN for Three Years, ending 5th January 1835.

Interest.	Salaries.	Tax Refunded.	Poundage.	Watering.	Repayment of Deposits.	Inclosing Ground.	Poundage.	Miscellaneous.	Houses and Farms.	Factory Expenses.	Total.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
127 8 0	5,813 25 8	- - -	1,937 15 3	- - -	- - -	- - -	5 13 9	875 4 1	559 13 9	3,363 15 11	45,389 10 8
187 13 6d	4,294 2 10	12 9 7	825 1 8	681 2 19	733 11 9	- - -	357 3 19	367 13 19	851 8 2	1,369 18 4	46,739 2 4d
174 7 0	5,268 8 10	42 10 3	592 13 11	323 5 11	759 6 9	- - -	393 12 0	384 17 6	1,398 14 6	1,431 8 4	46,919 13 7

for PAYING, &c. the STREETS of DUBLIN for Five Years, ending 5th January 1835.

Interest.	Salaries.	Tax Refunded.	Poundage.	Watering.	Repayment of Deposits.	Inclosing Ground.	Poundage.	Miscellaneous.	Houses and Farms.	Factory Expenses.	Total.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
129 0 0	5,553 17 8	82 18 11	805 16 6	1,857 11 11	859 1 11	- - -	456 16 5	527 15 8	- - -	389 16 0	45,288 0 6
187 13 6d	4,339 8 0	40 17 8	894 8 5	1,879 0 4	614 17 0	- - -	379 0 19	598 8 30	- - -	- - -	41,461 6 7
187 13 6d	4,758 18 5	36 4 6d	661 25 2	712 30 2	539 11 3d	- - -	377 19 7	596 13 1	- - -	- - -	45,868 8 7
187 13 6d	4,779 14 4	36 5 7	722 2 8	1,675 10 9	668 30 4	- - -	313 5 3	516 10 6	- - -	- - -	35,967 4 9
187 13 6d	4,779 8 0	36 9 11	631 16 1	1,468 5 2	708 13 11	443 16 11	391 30 7	419 5 1	- - -	- - -	41,907 7 0

MUNICIPAL
REGULATIONS.
Income.

133. The Income of the Commissioners is receivable from the following sources:—

1. Compositions payable by the corporation of Dublin.
2. The general paving and lighting taxes.
3. The watering tax.
4. Taxes for "private works chargeable."
5. Fines.
6. Sales of scavenging soil.
7. Other sales and miscellaneous receipts.

Compositions by
the Corporation of
Dublin.
For Paving.

1. Compositions payable by the city of Dublin.

The first of these is the composition for Paving. We have already noticed the Act of 1780, fixing a composition of £50 yearly to be paid by the corporation for the pavements round St. Stephen's Green, and the Act of 1784, fixing the annual sum of £300 sterling out of the revenue of the said city arising by tolls and customs for the annual expense of paving and keeping in repair "certain parts" of the city.

The Acts of 1786 and 1809 (26 Geo. III. c. 61, s. 79; 47 Geo. III. cap. cix, s. 49) recite both the above liabilities of the corporation of Dublin, and charge that body with the two annual sums of £300 and £50; and in consideration of such payments the corporation of Dublin are thereby discharged and exonerated from the expenses of these pavements.

These Acts do not repeat the words of the Act of 1784 relative to the "revenue of the tolls and customs," &c.

About the years 1818 or 1819, the corporation resisted the payment of the various compositions with which the statutes had so charged them; in the latter year an action was brought against them for one year's arrear, but they submitted to that action so far as respected the compositions for pavements, and have since paid the arrear. Of late they have paid the £300 a-year separately, alleging that the commissioners of Stephen's Green (to whom they have made some demise of their property in that Green) are liable to make good the composition of £50 yearly for the pavements there.

For Lighting.

The next composition is that for Lighting. We have referred to the Act of 1786, (26 Geo. III. c. 64, s. 80,) which is followed by the Act of 1807, (s. 50,) fixing the annual sum of £20, to be paid by the treasurer of the city to the treasurer of the commissioners of paving and lighting, in consideration of which the corporation are exonerated from the expenses of lighting and maintaining several globes or lamps at the mansion house, the hotel, and market house.

The corporation of Dublin continue to pay this composition, though not with perfect punctuality.

For Cleansing

The third composition is for the general Cleansing of the city. It appears by the before-mentioned Acts that the cleansing of the streets and other places of the city had originally, and up to the year 1784, been conducted under the corporation of Dublin, and that the expense had been defrayed by them out of the revenue arising by the tolls and customs of the city, and that, upon an average of 10 years, it appeared the sum of £2,013 had been yearly applied by them for that purpose, and the Acts of 1784, 1786, and 1807, (s. 54,) enacted, that the corporation of Dublin should pay, and continue to pay, to the commissioners of paving, the annual sum of £2,000 out of the revenue of the city, arising out of the tolls and customs of the city, by equal half-yearly payments, on the 25th of March and 29th of September, and, by the Act of 1807, the commissioners were invested with the same powers of recovering this annual sum as are thereby given them for recovering any of the rates or assessments which may be made under its authority.

The corporation of Dublin from time to time, and up to and for the year ended 25th of March 1818, paid the annual sum of £2,000, as well as the sums of £350 and £20. A payment of £650, in the year 1822, appears to have been the last made on account of this demand.

In Easter term 1819, an arrear being due to the commissioners, they commenced an action in the Court of King's Bench, in the name of their secretary, against the treasurer of the corporation, (Alderman Archer,) for the recovery of the arrears of the several compositions then due. The corporation alleged that the annual sum of £2,000 was payable only out of the revenue of the city, "arising from the tolls and customs," and that such revenue was unproductive, and insufficient to pay the whole or any part of the sum of £2,000, and they proposed that the commissioners should accept of the arrear of the annual sums of £20 and £350, without prejudice to any proceedings they should think fit to adopt for the recovery of the arrears of the £2,000 per annum. The commissioners, acceding to the representation as to the tolls and customs of the city being unproductive, accepted the proposition.

In Easter term 1821 they commenced a new action. In this the defendant, besides denying that he owed the arrear of £6,000, then claimed on account of this composition, pleaded specially that, during the three years ended the 25th of March 1821, no revenue arose to the corporation out of the tolls and customs of the city, whereout they could have paid to the commissioners the sum of £6,000; and also another plea, stating that they had not received out of the tolls and customs of the city the sum of £6,000, or any part thereof.

In December 1821 the commissioners filed a bill in the Court of Chancery, setting forth the above facts, and praying a discovery in aid of the action at law. They stated that the tolls were not deficient, as alleged by the corporation; that if they were, such deficiency was occasioned by the misconduct of the corporation; that the corporation had made illegal

demands of tolls and customs; that they were in receipt of various market-tolls, &c., and received a customary payment for ships entering the Port of Dublin; and that there were divers ferries and a bridge over the Anna Liffey, for which they received certain payments, &c. The bill also alleged that the corporation had received in every year since 1784, over and above the sum paid to the commissioners, an annual sum of £2,000 at the least, out of which, if there was, at the time of filing the bill, a deficiency in the tolls and customs received within the last three years, the commissioners were entitled to satisfaction of the arrears.

The defendant (by demurrer) objected to the discovery and account of the surplus revenue received by the corporation in every year since 1784 beyond the sums paid to the commissioners, alleging that such surplus was not liable to the payment of the arrears of future years. By his answer, he denied that the corporation had, at any time subsequently to the 25th March 1818, any funds wherewith to discharge the arrears of the annual payment of £2,000, inasmuch as the expenses of collecting the tolls and customs had exceeded the receipts; he denied that the deficiency was occasioned by the misconduct of the corporation, and said that, if any illegal practices existed, they were wholly unauthorized by the corporation; that the tolls and customs collected since the 25th March 1818 were the same as existed at the time of the passing of the Act of the 47 Geo. III.; that in 1818 there was a general disposition in Ireland to resist the payment of tolls and customs, and that, since the 25th March 1818, persons who previously paid tolls and customs without opposition, had refused to pay them; that the corporation had been compelled to commence legal proceedings to enforce payment of them, but he did not believe that, if the corporation had acted as is well stated, the payment of the tolls would not have been evaded; that the corporation and their lessees, from time immemorial, had demanded and received tolls and customs on various articles passing into the city, and before the same were sold, and which articles, with the rates of toll, he set forth in a schedule to his answer; that the £2,000 per annum was payable out of no other revenue, and that the "revenue" mentioned in the Act meant the surplus revenue, if any, arising out of the receipts, after defraying the expenses incurred in the collection; that there were divers markets in the city, but none held by the corporation, and he believed that the corporation had never received any tolls or customs thereout; that for all ships entering the port of Dublin a customary payment was made to the corporation, but he contended that such customary payment was not any part of the revenue arising from tolls and customs contemplated by the Act 47 Geo. III., and thereby rendered liable to the payment of the annual sum of £2,000; that these customary payments had been received since the 25th of March 1818, and had yielded to them some, but not a considerable income, which they applied to their own use, and had not paid over to the commissioners, and he set forth in a schedule the amount of this revenue since the 25th March 1818; he admitted that there were divers ferries in the city over the Anna Liffey, the rent of which belonged to the corporation, but submitted that these rents formed no part of the revenue arising from the tolls and customs of the city; that no separate rent was paid to the corporation in respect of the rent of the bridge; and in the schedule he set forth the sums received by the corporation in respect of the ferries, (including the bridge,) admitting that they had not been applied in payment of the annual sum, but to the use of the corporation. He further stated that the only demise made by the corporation of the tolls and customs mentioned in the Act, since the 25th March 1818, was a demise of the tolls and customs to Alderman John Claudius Beresford, at such rent, for such term, and with such view, as in the answer mentioned, but that nothing had been received in respect of the demise since the 25th March 1818.

The questions raised upon demurrer were argued before the Master of the Rolls, and afterwards, on appeal, before the Lord Chancellor of Ireland, and the House of Lords, and were finally disposed of on the 10th of May 1827, the House overruling the demurrer, and considering that, even admitting that the surplus of former years was not applicable to the payment of arrears of future years, the discovery of the revenues actually received in such years might be material to furnish presumptive evidence upon the trial of the action.

Alderman Archer put in his further answer in the cause, with schedules, on the 19th of February 1828. He died in September 1830, and by his death the proceedings abated.

Alderman James was then appointed treasurer, and a fresh action at law was brought against him in the Court of Exchequer, in which the commissioners claimed 12½ years' arrears of the £2,000 per annum; the defendant put in pleas to the same effect as had been pleaded by the former treasurer, and the plaintiff having demurred to the special pleas, the demurrers were argued in Hilary term 1834, and overruled by the Court of Exchequer, who considered that, upon the true construction of the Act, it was a valid defence to the demand to say, (as the case was presented by one of the pleas,) that "neither during the 12½ years, nor at any time since, had any revenue arisen to the corporation out of the tolls and customs of the city;" or to say (as the other special plea put in) that, "before the commencement of the 12½ years, the revenue of the city mentioned in the Act ceased, and was wholly determined and discontinued, without this, that, during the 12½ years, or at any time since, had the corporation, or any person on their behalf, received any sum of money whatsoever for, out of, or on account of, the said revenue."

The costs of the various proceedings of the commissioners, exclusive of those in the last action, have amounted to £1,609 8s. 5d. We have not learned that any further proceedings have since been taken by the commissioners in prosecution of their demand.

2. The General Paving and Lighting Tax.

The general assessment consists, according to the Acts, of five different rates; three imposed according to certain valuations of the yearly value of the premises rated; a fourth,

General Paving and
Lighting Tax.

according to a certain rate, by the square yard of the ground in front; and the fifth, according to a certain rate by the yard, lineal measure, of the premises in front.

The rates assessed according to valuations are imposed upon private buildings situate within the limits, as defined by the Acts. The first of these is a rate, not exceeding in any one year 4s. 6d. in the pound, of the former currency, upon private buildings, (except the houses, &c., on the east, north, and west sides of Rutland-square, from No. 1 to No. 48, mentioned in the 25 Geo. III. c. 43,) where they are valued at a yearly sum of £10 of the former currency or upwards.

The second is a rate not exceeding 3s. 6d. in the pound, of the former currency, upon such buildings, where they are valued at a yearly sum less than £10 of the former currency.

The exception made as to the above-mentioned houses in Rutland-square introduces a third rate of this class, which is assessed by a separate deed, in which the tax is abated in a proportion below the first rate, with the view of giving to the inhabitants of those houses an exemption corresponding with that intended by the 25 Geo. III. c. 43. When the first rate is at the maximum of 4s. 6d. in the pound, the Rutland-square rate, for paving and cleaning only, is assessed at 3s. (late currency) in the pound.

These assessments are imposed according to valuations of several descriptions:

1st. As the buildings at the time of the assessment shall be rated or valued for the collection of ministers' money; or,—if not valued for ministers' money,—

2dly. As the same shall then be rated or valued for the collection of watch money; or,—if not valued for ministers' or watch money,—

3dly. As the same shall then be rated or valued for the support of the Workhouse and Foundling Hospital; or,—if not valued for any of the said purposes,—then,

4thly. As the same shall have been valued by virtue of the 25 Geo. III. c. 61, or any former Act in that Act in that respect referred to; or,—

5thly. As the same shall have been valued under the 47 Geo. III. cap. cix. and 54 Geo. III. cap. cxxxi.

The Act referred to in the 26 Geo. III. c. 57 (ss. 52, 53) appears to be the 23, 24 Geo. III. c. 57 (ss. 22, 23, 24, 25, &c.) which again refers to the 13, 14 Geo. III. c. 22, and gives a mode of assessment where no valuation for watch money, or as thereinbefore mentioned, had been made.

The 13, 14 Geo. III. (ss. 37, 38) directed that the rates should be made in the proportion of the rates then made towards the support of the watch.

The 23, 24 Geo. III. (s. 23) directed, that five of the commissioners (thereunder) should appoint four persons "to value the rent which the houses were worth, if let to a solvent tenant."

The 26th Geo. III. (ss. 58, 59) directed, that the commissioners (thereunder) should nominate three persons conversant in building "to value according to the mode which had been usually pursued in valuing houses for ministers' and Foundling Hospital money, and not to the utmost rent they might be let for; provided, that none should be valued to a greater extent than they then might be valued at for ministers' money." This has been followed by the 47 Geo. III. (s. 38) and 54 Geo. III. (s. 3) in similar terms.

Under these various codes, some premises have been valued at remote periods, others recently; some with a limit to the valuation, others without any. The modes of estimating, too, have been various, and the old valuations are adopted without reference to subsequent depreciation or increase in value, and in no case open to alteration or amendment.

These assessments (on private buildings) are objected to, generally, on account of their very unequal pressure, resulting from the nature of the valuations on which they are founded.

It is not necessary in this place to dwell upon the impropriety of regulating the taxation by the valuation for ministers' money.

That standard was in principle condemned by the legislature,—in the Act 5 Geo. IV., 1c. and pers., cap. cxviii., "for the new valuation of the houses in Dublin, and for the more equal payment of the local taxes,"—which adopted the report of a committee of the House of Commons, in 1822, appointed to inquire into the subject. The committee, by that report, found,—

"That the valuation for ministers' money was in a great majority of cases made at very remote periods of time;

"That the houses so valued have in a variety of cases become very much depreciated in actual value, so as to be no longer able to contribute to the local taxation of the city according to such original valuation, and that the valuation for ministers' money of the houses more recently built within the city of Dublin is liable to much abuse;

"And that these evils were the more pressing, there not having been (as the report finds) any power by which, according to law, a valuation of any of the houses for ministers' money, when once made, could be altered or amended without the authority of Parliament."

The Lord Lieutenant was, therefore, (on the recommendation of the committee,) empowered to appoint three commissioners for a new valuation, and several provisions were made for carrying the measure into effect, including the reconsideration of their valuation by the commissioners in case of complaint. The commissioners (s. 18) were commanded to make their report (in the manner thereby directed) to the Lord Lieutenant, to be by him laid before his Majesty and both Houses of Parliament, "so that from and upon such report Parliament may be enabled to make due provision for the assessing of the local taxes payable by the occupiers of all such houses, according to the respective annual value of such houses, and as justice shall require."

The Act was passed on the 17th June 1824. The commissioners presented their report on the 18th June 1830, and it was laid before Parliament, but nothing has since been done upon it.

The new valuation made by the commissioners will be noticed in a subsequent part of this Report.

With respect to the description of houses included within the general paving and lighting assessment, a complaint was made to us respecting the rating of certain portions of "the Commercial Buildings" under the following circumstances:—The premises have one front to College Green, which is rated to ministers' money, as one house, at £60 per annum, and another front to Cope-street, which is so rated, as two houses, each at £20 per annum. There are, besides, six buildings, used as mercantile offices, the hall doors of which open into an interior court, through which a thoroughfare on foot is allowed by day, but by night the doors at each end are closed. These six buildings are assessed separately to ministers' money at £20 per annum each, and the commissioners of paving conceive they are not authorized to exempt any part so valued; but, neither the paving nor lighting of the interior court being performed by the commissioners, the occupiers considered themselves aggrieved in being compelled to pay the tax.

The next rate contemplated by the Acts is a rate upon public buildings (except those used as charitable establishments, for the purposes of religious worship, &c.) within the limits of the jurisdiction of the commissioners, and within the extent of the pavements, shingling or graveling, and the public lights, not exceeding 1s. (of the late currency) by the year for every square yard of the ground fronting to or on the side of such buildings, between them, or the ground belonging to them, and the centre of the street, &c.; or, at any quay, dock, square, or street built upon one side only, then, according to the number of square yards between each building, and the enclosure of such quay, &c.

The commissioners have used a discretionary power of assessing certain premises at a lower rate by the square yard than others.

Rate by square
measure.

The fifth is a rate upon all other such warehouses, stables, and out-offices, not liable to be rated or assessed to ministers' money, and all dead walls and void spaces of ground adjoining any street, &c., within the limits, save as aforesaid, not exceeding the rate of 3s. (of the late currency) for every yard lineal measure of such warehouse, &c., along the side of such street, &c., at such respective rate or rates as to the commissioners in their discretion shall seem proper.

Rate by linear
measure.

The commissioners have availed themselves of this discretionary authority to divide this rate into two—the one upon warehouses, coachhouses, stables, and out-offices, generally, in the terms of the Act; the other upon certain dead walls and void spaces of ground, the rates and sums of money mentioned in a schedule annexed to their deed of assessment.

This mode of varying the rate by way of lineal measure in respect of each particular holding was first adopted in 1829, one of the commissioners visiting the respective premises, and from personal observation and consideration of the circumstances fixing what he deemed an equitable rate upon each. There has not been a similar inspection since 1829. But alterations have been made, in which the commissioners are guided by the alteration in value of the premises from time to time.

They are not at all influenced by any consideration as to the advantage the particular owner may derive from the expenditure of the tax on the street or lane; nor have they at all applied their discretionary powers to the modification of the tax upon warehouses, coachhouses, stables, and out-offices, nor considered the propriety of reducing the rate affecting such premises.

The owners of such premises complain particularly of this rate, and in some cases have resisted the levy. One ground of complaint made is, that such out-offices are actually included in the valuation of the principal premises or dwelling-house to ministers' money, and that, consequently, the parties are thus twice rated to this tax for the same matter. Another general ground of complaint is, that in the lanes, &c., where such out-offices are situate, no portion of the tax has been expended, for years together, in any improvement benefiting the occupiers.

In imposing the tax, the commissioners first come to resolutions declaratory of the rates they purpose to levy for the ensuing year, and afterwards execute a deed of assessment, pursuing the general terms of the Act 54 Geo. III., and containing no specification of the amount assessed upon particular premises, except in the instances where they use the discretionary powers above described. We have been furnished with a copy of the deed of assessment for the year commencing the 5th of January 1833, which bears date the 10th of that month. In every instance this deed restricts the assessments to premises "within the extent of the pavements, shingling or graveling, and the public lights." The commissioners consider that they ought not to assess any premises beyond that extent, and that they must both "pave, shingle or gravel" the highway, and "erect public lights" there, in order to authorize the tax; but they do not seem to apply this principle to the lanes, &c., within the city to which these advantages are not extended.

Practice of the
Commissioners in
imposing the Rates.

In one instance, the deed of assessment (for the year commencing the 5th January 1833) imposed a rate of 2s. 1½d. in the pound only on the 48 houses in Rutland Square; but the order of the Board had been for 2s. 9½d. in the pound, and the actual assessment was made out and levied accordingly.

The business of Apportioning the particular sums of money on the respective premises is left altogether to a subordinate officer, (the inspector of taxes,) who collects information, as he can, as to the valuations made, and calculates on them, and upon measurements, where measurement, square or linear, is made the ground of charge, the particular amounts to be paid.

Apportioning.

The assessments are subject to Deductions (47 Geo. III. s. 45) in cases of tenements empty or untenanted for the space of not less than six months in any one year, in which case one-half only of the rates is payable; and no house or other place is chargeable for any of the rates for more than two years' taxes at one time.

Deductions and
Exemptions.

Deductions are made from the assessment under two other heads, also; the one for

MUNICIPAL
REGULATIONS.

" items erroneously charged and discontinued," and the other for " tax discontinued for want of legal means of recovery." The 54 Geo. III. exempts (s. 5) " any prison, sessions-house, or bridge," and " any house or building whatsoever, so long as the same shall be used only as a charitable establishment, or for the purposes of religious worship," and (s. 6) " any sufficiently fenced or enclosed lot or plot of ground, being laid out for the purpose of building houses thereon in front to any street or public passage, and which lot or plot has not any building erected thereon, but is actually in waste and out of use or profit."

We send with this Report a return, for the year 1832, of the items discontinued for want of legal means of recovery; the following are among the grounds of exemption:—

Houses.	Stables, Walks, Yards, &c.
" Alms-house."	" New Chapel and Rail-road."
" Hospital."	" Not in a thoroughfare."
" Nunnery."	" No recovery."
" Charity-school."	" No entrance."
" Down." " Dispensary."	" Passage closed up."
" Ruins."	" Not admitted."
" Waste."	" One concern with No. 30."
" Unfinished."	" Appurtenant."
" Building-ground."	" Waste."
" New and unfinished."	" Building-ground."
" New and unset."	" Built on."
" Not valued."	" Two houses built on this yard."
" No. 109, part of No. 110."	" Valued for Watch-tax."
" Rebuilt. To value."	" New Houses valued for Watch-tax."
" New part of Tan-yard."	" To value."
" Error in collection."	" Houses now valued."
	" Carrier-yard."
	" Erroneous."

In the same return are the items discontinued in that year " from errors in charge;" among the ground of discontinuance, we find,

- " Watch valuation."
- " Already valued."
- " Error in valuation."
- " Error in measurement."
- " Error."
- " Down."
- " Down, and to value."
- " Reduced."
- " Charge reduced."

Collection.

The Collection of the tax is much more efficient now than under the commissioners who formed the Board up to 1827. The amounts returned as " arrearages " were formerly seldom less than £7,000; but they now seldom exceed £3,000. Every case of application for exemption from tax, whether on the ground of insolvency or on any other ground, undergoes investigation, before an order for exemption is made by the Board; the Inspector of taxes makes personal inspection for the purpose of verifying the collector's returns of arrears; and at the close of every year a particular inquiry is instituted by one of the commissioners as to the uncollected arrears of the year but one before; and when negligence can be established against the collectors, they are charged with the amount lost by their default. In a recent instance a collector was charged with a sum of £45 12s. 6d., which, in the opinion of the board, might have been collected by him if he had used due diligence.

Watering Tax.

3. The Watering Tax.

The watering-tax is a separate rate assessed under the 54 Geo. III., which provides (s. 21) that every public building, dwelling-house, messuage, or tenement, dead walls, and void spaces of ground, in any street or public passage, " the majority of the householders or persons liable to pay the public taxes of which may make application in writing to the said commissioners to have the same watered," shall pay to the commissioners a tax, to be rated on all such buildings, &c. in proportion to their extent in front to such street, for the purpose of watering the same, at a rate not exceeding 7d. by the foot, running measure, in a street built on both sides, and in a street built on one side only not exceeding 1s. by the foot, " to be applied to watering such street or public passage."

Under this authority the commissioners make an assessment annually, about the month of August. On receiving requisitions signed by a majority of the inhabitants of a street, &c. they send a person round to ascertain the authenticity of the signatures; and, afterwards, they include the whole in one deed of assessment, in which the streets, &c. built upon both sides are first enumerated and assessed at a certain rate per foot, and, next, those built on one side only. The rate in 1833 was 3d. per foot on the former and 6d. on the latter. The deed does not contain the specific items charged on each tenement or occupier; which is left, as in the general assessment, to the ascertainment of a subordinate officer.

4. Taxes for " Private Works Chargeable."

Special Assessments for several new works are also made, under the heads of " Sewers," " Paving," " Flagging," and " Enclosing waste ground," and are usually classed together under the denomination of " Private works chargeable," being charged upon particular proprietors only.

Special Assessments.

The Acts provide that the commissioners, giving notice, may call upon the proprietors of premises to "compound" with them for such works; and in case the composition shall not be made, or the notice shall not be attended to, the commissioners are empowered to execute the works and to defray the costs thereof out of the funds arising under the Acts; and in default of repayment, the same shall remain a charge on the premises liable, into whose hands sever they may come, and be recoverable from the proprietor or occupier when the same shall be inhabited.

It is enacted, that the expenses of making, enlarging, repairing, or clearing of sewers, in any street, shall be assessed upon all buildings, public or private, dead walls and void spaces, in such street, according to the extent of them in front, lineal measure; and premises benefited by means of a cross drain leading into a main sewer, are likewise made liable, provided that the whole sum assessed for any new sewer shall not exceed £18 by the perch, and that the whole of any such sums to be assessed shall not exceed the sums actually expended by the commissioners.

The other assessments only arise where the footways have not yet been flagged, or the carriage ways paved or shingled by the owners or proprietors thereof, or such void spaces, or building plots, not being sufficiently fenced or enclosed.

The commissioners state that they have felt embarrassed as to the construction to be put on the clauses directing that the proprietors should compound with them for such works. In practice they consider it merely as requiring a notice to the parties to apprise them of the intentions of the Board, and the charges they will have to meet.

The usual course is merely this: the commissioners have an estimate of the expense of the work prepared by one of their officers; and, having given notice to the parties liable, submit it to the inspection of each of them as may attend. They do not enter into a treaty of any kind with the parties as to the execution of the work.

In the case of making new sewers, they now advertise for proposals, and enter into contracts with the lowest bidder. In all other cases they execute the work by their own workmen.

The account of the disbursements on account of each particular "work chargeable," is not kept separately. They are brought under general heads of expenditure; and, consequently, when the assessment is to be made, much seems to be left to an arbitrary calculation.

Thus, for making sewers in Mayor Street and Commons Street, a contract was entered into for £442 17s. 7d. for 63 perches 13 feet at £6 18s. 10d. per perch of 16½ feet in the former, and for £130 5s. 8d. for 16 perches 3 feet at £7 8s. 6d. per perch in the latter, making £573 3s. 3d. The actual amount assessed was £587 4s. 4½d., viz. on Mayor Street for 2,035½ feet, at 4s. 6½d., £462 4s. 4½d.; on Commons Street for 500 feet, at 5s., £125.

Some allowances were made to the contractor beyond the amount of his contract, and the commissioners added a charge for their own overseer at 4s. 4d. a-day, apportioned on each work; these, and the sums paid under the contract, amounted on Mayor Street to £463 10s. 5d., and on Commons Street to £125 2s. 10d.

Again, for deepening the main sewer in Lower Gardiner Street, the officer estimated the probable expense of the work at £162 2s. 8d., viz. for 800 ft. 5½. at 2s. per foot. The actual expenses were returned at £159 14s. 7d., exclusively of the overseer's wages, which being added, the amount would have exceeded the estimate; and the amount of the estimate only was assessed.

Again, for paving in Harmony Row and Erne Street, where the pavement had been in part made before, and some of the proprietors, consequently, were not liable, a sum of £40 13s. 7d. was assessed. The entire street was re-formed upon the occasion, and the assessment upon those considered liable was made up in the following manner: each proprietor was charged for so many feet of black curb-stone at 7d. per foot; for so many square yards of paving at 1s. 2d. per yard; and for so many square yards for forming and shingling at 3½d. per yard.

The commissioners pay for black curb-stone only 4d. per foot; and the additional 3d. was a mere estimated sum for carriage, and labour in setting it. The other charges were made up in like manner.

Deeds imposing these assessments are not, it appears, regularly executed; and nothing appears to have been done in the instances here noticed beyond the entries made by the officer in a book, entitled, "Assessments for Works chargeable."

The general fund of the commissioners usually sustains a loss under these assessments. In some cases the parties are insolvent and unable to repay the expense, and where there are charitable institutions, or other premises exempt by law, the relative proportions in respect of them cannot be assessed on proprietors of the other premises in the street.

The Commissioners who inquired into the management of this Board in 1825-26, recommended that the assessment for sewers should become a general tax on all the inhabitants; at present these local assessments press, occasionally, with severity on the owners of particular premises; and if an adequate control over the expenditure were vested in the rate payers of the city, it appears to us that the suggestion might be extended to the removal of all the special charges upon the inhabitants of particular streets.

The commissioners derive an income also from some miscellaneous sources, as Fines for nuisances, the Sale of scavenging Manure, &c. The value of the scavenging manure is considered to have been much depreciated since shingling was substituted for paving, which it has been, very generally, since the year 1830.

The collection of fines was suspended about three months before our Inquiry, in consequence of the irregular proceedings relative to the office of secretary, hereinafter noticed, which were considered to have affected the jurisdiction of the commissioners to levy them.

Considerable sums are annually paid in to the commissioners as deposits.

Fines, Sales of scavenging Soil, and Miscellaneous Receipts.

MUNICIPAL
REGULATIONS.

The occasions for making such deposits are, upon licences being granted for the making or cleansing of private sewers, for setting area grates, and the like; erecting pailings for buildings, and for new flagging before particular houses. The officer makes an estimate on each occasion of the probable expense, and repayments are made for the excesses of estimates, the amounts of which are required to be deposited, over the actual expense.

Expenditure. 134. The Expenditure of the Commissioners may be divided into two principal heads; viz. the Expenditure on their establishment, and their Expenditure on their works.

Establishment. The expenditure on their Establishment consists of

1. Annuities.
2. Salaries and allowances.
3. Incidental expenses.

Annuities. The Act of 1807 provided certain Annuities for the Board of Commissioners, then superseded, and their staff of officers; and it was enacted, "that those yearly sums shall cease and determine, and be no longer paid or payable to any of the said commissioners, or other officers who, at any time, after the passing of this Act, shall be appointed to any office or employment under this Act, or to any other office or employment under his Majesty's Government, the annual salary and profits of which shall not be less than the annual sums by this Act directed to be paid to such commissioners and officers respectively;" and in case they should be less, then it was provided, that only so much of the sums payable under the Act should cease as should be equal to such salary and profits.

In no instance has any one of those annuitants been appointed to office or employment under the Act. Some of them had served for very short periods. In a single instance one of them was appointed to an employment under Government. The results as to the amount of tax levied upon the citizens under this clause, and still leviable, appear by the following table—

Name.	Former Office.	Had served in Office	Annual Charge provided by the Act.	Charge Ceased	Total Payments to January 1834.	Annual Charge still subsisting
			£		£	£
Hugh Henry Mitchell . . .	(Senior Commissioner.)	26 years	300	On death, 2nd April 1833.	5,600	—
Robert Alexander, jun. . .	Commissioner.	12 years	200		5,900	200
Richard Cote	Commissioner.	7 years 7 months . . .	200	(On appointment under Government, 22nd February 1834.)	3,300	—
William John Alexander . .	Commissioner.	7 years 4 months . . .	200		5,200	200
Joseph Mason Ormsby . . .	Commissioner.	5 years 9 months . . .	200	On death, 26th Aug. 1826.	2,600	—
Stephen Ormsby	Commissioner.	8 years 6 months . . .	200		5,300	200
St. William Jackson Roman, Bart.	Secretary	8 years 9 months . . .	200		5,300	200
Henry Gore Sarsley	Treasurer	22 years 3 months . . .	150	On death, 23rd Aug. 1821.	2,300	—
Samuel Greene	(Inspector of Accounts.)	15 years 6 months . . .	100		2,600	100
Total			1,750	Total . . .	33,900	500

Thus a sum of £38,000 in actual payments, and a continuing charge of £900 a-year, have been incurred for persons, few, if any, of whom had any sort of claim; who, if fit for official duty, ought to have been appointed to perform it; if unfit, ought not to have been pensioned upon the citizens.

Salaries. With regard to Salaries:

We have to observe that in no instance has any saving been effected in the amount of salaries specified in the Act; the maximum, or sum, which the salary is "not to exceed," has always been adopted as the standard.

Of Officers to be appointed by the Lord Lieutenant. This applies to all the Officers, who are in the Appointment of the Lord Lieutenant, including the Commissioners themselves.

The Act directs (47 Geo. III. s. 11,) that there shall be paid, out of the funds thereby arising, such yearly salary as the Lord Lieutenant shall direct, viz.

	£	s.	d.
To the first, or senior Commissioner, not exceeding	800	0	0
To each of the other Commissioners	500	0	0
Not exceeding £500	500	0	0
	£1,800	0	0

The 14th section gives to the Lord Lieutenant power to appoint and remove at will the following officers:

At a yearly salary not exceeding
£ s. d.

1. The Supervisor of Works for the north side of the river Liffey	400	0	0
2. Ditto south ditto	400	0	0
3. The Secretary; the salary of this officer was increased by the 54 Geo. III. from a sum not exceeding £200 to a sum not exceeding	300	0	0
4. The Treasurer (who shall also be accountant and comptroller of the taxes)	500	0	0
	£1,600	0	0

The total annual charge on the inhabitants, thus placed in the power of the Lord Lieutenant, amounts to the sum of £8,200; and that amount has regularly been levied in every year since the passing of the Acts, except where officers were under suspension.

One of the officers, Mr. George Taylor, supervisor of the south side, was under suspension for four years.

During this period the business of the office of supervisor for the whole city was performed by a single supervisor, with an assistant for each side of the city. As no practical inconvenience was found to result from that arrangement, it seems the salary of one of those officers might now be spared to the public.

A serious misapplication of the funds has prevailed with respect to the salaries of the offices of secretary and treasurer.

The Commissioners of Inquiry of 1826 reported Mr. William Little, the then secretary, to be a gentleman "much advanced in age, and unequal to give any laborious attention to the business of the office;" they also reported the incapacity and highly culpable irregularities of Mr. Simon Brigley, the clerk in the secretary's office.

They discovered many abuses in the treasurer's department, upon which the then treasurer, Mr. James Hendrick, on the 5th January 1826, resigned his office. On the 7th the Commissioners of Paving reported his resignation to Mr. Secretary Goulburn, and that, as the business of the Board could not proceed without the active duties of treasurer, they had appointed Mr. John Reily, of their establishment, to act until the pleasure of the Lord Lieutenant as to the appointment of a treasurer should be reported to them. On the 12th Mr. Goulburn wrote in reply, "that his Excellency approved of the temporary arrangement they had made for the discharge of the duties of the office."

On the 5th of February 1827, Mr. Goulburn addressed the Commissioners of Paving, acquainting them of the removal of Major Taylor from the office of commissioner, "that Mr. Little's age and infirmities appeared to render him unfit for the situation of secretary, and that therefore the Lord Lieutenant had been pleased to direct Mr. Reily to take upon him the duties of that office until the final arrangement should be made with respect to the Board of Commissioners;" and on the same day Mr. Reily was also informed by letter as follows: "The Lord Lieutenant has had under his consideration the report of Mr. Hall and Mr. Freeman, appointed by him to inquire into the affairs of the Paving Board: the result of the examination of that Report, and of the evidence annexed to it, has been to satisfy his Excellency of the propriety of your conduct in the situation which you filled under the Board, and of the useful assistance which you rendered to the gentlemen appointed to inquire into its proceedings. With a view to mark his Excellency's approbation of your conduct, he has given directions to the Board to appoint you to act as their secretary."

On the 8th the Board ordered, that the foregoing commands of the Lord Lieutenant should be carried into effect.

These proceedings, were not, in form, in compliance with the Act, which required the Lord Lieutenant to appoint or remove those officers "by writing under hand and seal," and to direct the yearly sums to be paid to them "by warrant under hand and seal." In substance, the provisions of the Act have been still more widely departed from. Mr. Reily has performed the duties of secretary, but has been in regular receipt of the salary of treasurer, —which salary he never was authorized to receive,—extending the salary of secretary by £200 a-year. Mr. Little has not, from 1827 to the present time, done any duty, and has received the salary of secretary, and other emoluments besides.

The duties of treasurer (though Mr. Reily preserves a superintendence, which we view as little more than nominal) have actually been performed by the chief clerk in the treasurer's office, who has a salary of £90 per annum.

Additional allowances have been made to Mr. Little, and appear not only unmerited by service, but in every view unwarrantable, the statutes having enacted that the sums to be paid to the officers should not exceed the amounts therein specified.

For these irregularities the commissioners contend that they are not responsible.

In a letter to Lord Francis Levison Gower, (chief secretary,) dated the 27th July 1829, they stated, that "in a verbal communication which the three Commissioners had with Government, it was understood that Mr. Little should be paid his salary until the passing of the bill had provided a retired allowance for him; and he has been paid accordingly and supplied with his usual allowance of fuel and candles up to this time;" and in December 1827, Mr. Reily having been put in possession of the apartments in the paving house, before occupied by Mr. Little, they added, "Under these circumstances Mr. Little was obliged to obtain another residence, the rent of which, amounting to £37 10s. per annum, we have paid, with the verbal sanction of Mr. Lamb, the chief secretary of Ireland, who directed that Mr. Little should enjoy all the emoluments he was previously entitled to, until the new Act should provide otherwise."

They then say that the public had not suffered any loss, as Mr. Reily (who was getting £500 a-year, instead of £300 a-year) had not partaken of any part of the emoluments of secretary, and had acted gratuitously since his appointment; and they request the sanction of Government to the payments theretofore made to Mr. Little, and submit the question of their continuance.

On the 10th of August following, Lord Francis Levison Gower signified the Lord Lieutenant's "approbation of the payments theretofore made to Mr. Little, and upon his account, and of their being continued until further directions."

The commissioners have (and say they have frequently) called the attention of Government to the embarrassments arising from the want of legal appointments in their officers,

MUNICIPAL
REGULATIONS.

but no remedy has been applied. Among other things, it is directed by the 23d section of the 47 Geo. III. that summonses in certain cases should be signed by the secretary; and the commissioners have been advised that there is a serious doubt, whether proceedings for penalties, grounded upon summonses to appear before the commissioners, are valid, from the want of the signature of a duly appointed secretary. The expedient has been proposed, that Mr. Little (who resides in Sligo) should sign the summonses; but the true remedy of making a *bona fide* appointment, (by which £500 a-year might be saved to the public,) has not been at all suggested.

An allowance has also been made to Mr. Brigley, in justification of which the commissioners address a letter of Mr. Gregory, (under secretary) addressed to them on the 23d November 1830, in which he says "with reference to your Report of the 15th instant, I am to acquaint you by the Lord Lieutenant's desire, that his Grace, upon consideration of Mr. Brigley's long services, and the law not authorizing the granting him a superannuation allowance, is pleased to approve of your paying to him out of your funds a gratuity of £200, and in quarterly payments, as you propose."

The commissioners immediately ordered the first instalment, and have since paid the entire. It is not easy to appreciate the distinction taken here between what the law would not authorize, and what the Lord Lieutenant did authorize; the gratuity and the superannuation allowance appear equally objectionable.

The sums already paid under these proceedings, amount as follows:

	£	s.	d.
1. Excess of £300 a-year, paid to Mr. Reilly as acting treasurer, when in reality he was acting secretary, seven years from 1827 to 1834	1,400	0	0
2. Salary of £300 a-year Irish paid to Mr. Little, who did not perform any duty, ditto	2,100	0	0
	£3,500	0	0
	Present currency	3,230	15 4
3. Allowances to Mr. Little beyond his salary	240	12	6
4. Allowances to Mr. Brigley	200	0	0
Total	£3,671	7	10

The Commissioners of Inquiry who reported in 1826, proposed "that the office of treasurer should be abolished altogether, and a person appointed merely for the receipt and payment of money, called the pay clerk." On the supposal of an Act of Parliament being necessary, or of a bill having been brought in for the purpose, no change has been made; but it is obvious, that the recommendation could have been effected simply by appointing the clerk who does the business of pay clerk, to be the treasurer, and at his existing salary.

Of Officers to be
appointed by the
Commissioners.

We next come to those Officers and servants who are in the Appointment of the commissioners; they are,

1. The collectors.
2. Other officers or servants.

1. As to the collectors, it is provided that the commissioners may appoint not less than four, nor more than eight, for collecting the taxes thereby imposed, and pay them such sum or sums of money as the said commissioners shall think proper, "not exceeding at the rate of 6d. in the pound on the sums which shall be collected by such collectors respectively under the authority of this Act, as and for their full salary and remuneration for the business of their said offices respectively."

The commissioners have observed this clause so far as related to the collectors' poundage upon the general paving and lighting assessment; but on the other assessments, viz. those for watering, for sewers, and other "works chargeable," we found a shilling in the pound had been uniformly allowed; separate collectors also, over and above the eight collectors of the general tax, were occasionally appointed.

The commissioners, on our pointing out this overcharge, took steps to prevent its recurrence in future.

The commissioners are further restricted as to the remuneration of their other officers and servants by the 47 Geo. III., whereby it is provided that they "shall and may pay to such other officer or officers, servant or servants, so appointed or to be appointed by them, or to such other person or persons, not being an officer or officers, servant or servants, of the said corporation, who shall be aiding or assisting in and about the execution of any part of this Act, such reasonable salary or salaries, allowance or allowances, in consideration of such their office or assistance, as the said commissioners shall judge reasonable, not exceeding in the whole the sum of £2,500 in any one year."

Although an apparent compliance with this proviso is maintained, yet, under the construction of it adopted by the commissioners (and for which, upon statements made by themselves, they have obtained some very eminent legal sanction,) it has failed to effect that restraint upon their acts for which we conceive it was intended.

In the year 1810, the excess of salaries and allowances to officers beyond the limit appointed by the Act was found to amount to £1,991 12s. 3d., and an objection to allowing the account was made by the Commissioners of Imposts Accounts.

The Commissioners of Paving thereupon stated a case for the opinion of the Attorney

General (Mr. Saurin.) They divided the officers in question into five classes described as below, and obtained the following opinions upon them.

No. 1. Statement.—“Officers employed under the Commissioners for Paving, &c. who superintend only, and do not work with their hands,—of which those officers who superintend the granite pavement, and the making of sewers,—are not considered by them as coming within the meaning of the Act limiting the salaries to £2,500 a-year, and likewise those employed as informers of nuisances, as you will find in sect. 124 of said Act, that the Commissioners for Paving, &c. are authorized to pay them out of the fines on nuisances.”

Opinion.—“In the return, No. 1, are included persons employed as informers of nuisances, and persons employed for the purposes of granite pavement and sewers. It does not seem to me that either of the descriptions fall within the 15th sect. of the Act. As to the former a particular fund is provided for their payment by the Act. The latter, as I conceive, are hired by the corporation, as a master mason or a master carpenter would be, in case any work in the line of their trades should require to be executed on behalf of the corporation; and though they would direct, and superintend, and employ others to execute the manual labour of the work, it would not follow that they were to be considered as officers or servants of the corporation, any more than such persons would be servants of any other person who should employ them; and if this shall appear to the Commissioners of Imprest Accounts to be the fact as to these persons employed about the granite pavement and the sewers, I think they should not consider the payment to them as falling within the restriction of the £2,500 mentioned in the 15th section of the Act of Parliament.”

With respect to the inspectors of nuisances this opinion seems erroneous in assuming, from the statement, that “a particular fund is provided for their payment by the Act.”

By the 124th section, where the disposal of penalties is not particularly directed, the commissioners may, if they think proper, order the whole of said penalty, or any part thereof, to be paid to the informer; so that the fines for nuisances do not form any peculiar fund for payment of the inspectors' salaries. The 15th section, which imposes the limitation, makes no distinction as to the fund from which the officers' salaries are to be drawn; the 124th section styles the inspector of nuisances an “officer;” and the salaries of the inspectors seem, thus, to fall directly within the restrictive provision of the Act. But even if there were any foundation for holding that sums of money beyond the legal limit might be paid to the inspectors of nuisances out of the fines on nuisances, the fact fails to support the argument. There is no special allocation of the penalties. The whole amount levied is paid into the general fund; it falls far short of the salaries of the inspectors; and besides, sundry sums, on account of nuisances, are paid to various other persons.

Thus, in the year ended 5th January 1833, the facts stood thus:

	£.	s.	d.	£.	s.	d.
Paid to inspectors of nuisances	353	15	6			
To sundries	35	0	4½	388	15	10½
Received by fines for nuisances				122	4	4½
Leaving a deficiency of				£266	11	6

The sum of £35 0s. 4½d. is composed, for the most part, of daily payments to certain individuals “for assisting inspectors of nuisances,” and, therefore, it seems even questionable whether the greater part of the payments composing this £35 0s. 4½d. should not be included within the restrictive clause.

With respect to the officers superintending pavement and sewers, we conceive, that the question is closed the moment it is admitted that they “superintend only, and do not work with their hands;” and that they must be held as falling within the terms of the restrictive clause. The Act (sections 15 and 53) has drawn the distinction between “artificers, workmen, labourers, &c.” who do work with their hands, and such officers.

No. 2. Statement.—“Persons who have been employed as foremen of bodies, or squads of persons, and other workmen, commonly denominated overseers, but who work with their hands, and who are only the best labourers of their squads.”

No. 3. Statement.—“Persons who have been employed as foremen of squads of scavengers, and likewise work with their hands.”

No. 4. Statement.—“Persons who have been employed as sundries, and not deemed officers or servants.”

Opinion.—“I am of opinion that the persons named in the Return, No. 2, are not to be considered as falling within the meaning of the 15th clause of the Act. No doubt every person hired to pave, or as a scavenger, may be said to assist in carrying the purposes of the Act into execution; and yet, it is plain that such persons are not servants within the scope of the clause; and, if not, although some of that description, being hired by the corporation to do its work, are used to lead and guide the rest as being better workmen, or more confident in, that does not make them officers, or servants, of the corporation, or part of the paving establishment; but they are to be considered, however paid or employed, as hired by the corporation to do its work, and not as forming any part of the establishment.

In like manner, and for the same reasons, the persons in No. 3 must, I conceive, be so considered, not as servants of the corporation, but as persons with whom the corporation does, and must, contract to execute the works of which it has the direction.

The persons in No. 4, I apprehend, will be found to fall under the same destination, but the return, as to them, is not so explicit.”

We are not satisfied that the statement, that the abovementioned officers "work with their hands," is supported by the fact; and where it is not, we cannot concur in the conclusion that they are not persons within the scope of the clause.

No. 5. Statement.—"Persons who have been employed at lighting, and as the lighting had formerly been managed under a contract, they consider the lighting not to come within the meaning of the Act, as it is a part of what was included in the contract formerly."

Opinion.—"The persons in No. 5 would seem to me to be within the scope and meaning of the 15th clause of the Act, and really to be officers of the corporation to superintend one branch of the business submitted to its direction; and I confess I do not consider the reason assigned by the commissioners, why they should not be so considered, as satisfactory."

Notwithstanding this opinion, and although the lighting is again done by contract, we find the salary of the inspector of lighting now charged, not as a salary, but under the head of "lighting."

Under the head of "scavenging," we find payments accounted for to "overseers of scavenging," £337 16s.; this includes not merely the salaries of the overseers of the parties cleansing the streets, but also of the overseers of depôts for manure.

The commissioners maintain that every one of the officers employed by them is absolutely necessary to the working of their establishment, and the due execution of their trusts. At the same time they admit that with this establishment they could despatch double the quantity of business.

In fact the present establishment of the Paving Board is adequate, with the addition of a few clerks, to regulate the affairs of all the local taxes, if consolidated under the same management.

The business appears to be well performed, but manifestly at an expense out of proportion to the whole levy. The official payments formed upwards of 20 per cent. of the levy for the year ended 5th January 1833.

The construction of the Act thus adopted and acted on, in effect, frees the commissioners from all restraint; they have not spared in making their establishment numerous and complete; but were the commissioners to act within the strictest limit of the law, we should still confidently rely upon their securing to the public a perfectly effective and well regulated despatch of the public business.

When occasions have arisen for remodeling particular departments of their establishment new appointments have been made, but the officers whose duties have, in effect, been superseded, instead of being at once dispensed with as unnecessary, have been suffered to continue on the establishment, generally until some change has been made against them, upon which they have been dismissed.

The present internal establishment consists of the following officers:

The acting secretary and four clerks	-	-	-	-	5
A chief (or pay) clerk, and two other clerks in the treasurer's office	-	-	-	-	3
A book-keeper and two clerks in his office	-	-	-	-	3
An inspector of taxes and one clerk in his office	-	-	-	-	2

13

In May 1827, the Commissioners had instituted an office of superintendent of stores for more effectually controlling persons having charge of materials and all other property, and appointed Mr. John Hitchcock to this office at a salary of £130 a-year.

In December 1827, they resolved to establish the office of book-keeper, considering that a improved and more comprehensive system of accounts should be adopted; and in January 1828, they appointed their present book-keeper, Mr. Auchinleck, at a salary of £300 a-year.

In August 1828, they ordered, "that inasmuch as the accounts of the different stores are now kept by the book-keeper, the Board consider these kept by Mr. Hitchcock unnecessary, and order that they be discontinued."

In June 1830, Mr. Kearney, one of the commissioners, having, at the desire of the other commissioners, visited one of the depôts, reported an omission in Mr. Hitchcock to check the ledger with the tickets from the 8th to the 14th of June, though visits were entered by him as having been done on the 8th, 9th, 10th, 11th, 12th, and 14th, and that it appeared to him those visits were perfectly useless, and thereupon the Board,—"adverting to the want of official control, and, independently of this view of the subject, it appearing that the late arrangement of the department of supervisor of works, upon Mr. Taylor's restoration, rendered the supervisors competent to take upon them so much of the duty of the superintendent of stores as relates to the control of the depôts," which constitutes all of real importance appertaining to him,—"upon these grounds, as well as with the more important view of effecting a diminution of expense," they abolished the office of superintendent of stores, and annulled Mr. Hitchcock's employment.

Mr. Taylor, who had been under suspension from 1825, had been restored to the office of supervisor in January 1830.

Thus, the functions of the office of superintendent of stores had been, in most important respects, superseded for two years, and altogether unnecessary for nearly half a year, before the commissioners turned their attention to effecting a diminution of expense.

On the 12th of August 1828, the commissioners came to the determination of appointing two overseers in their store yard in Leeson Street, and named Mr. John Thacker principal,

at a salary of 30s. per week, and Mr. William Condon assistant, at a salary of 25s. per week.

In June, 1830, a controversy arose in consequence of Mr. Thacker's having rejected certain granite material sent in to his depot by a Mr. Sherrard, who had contracted with the Board for the supplying of that article. Mr. Thacker complained of the want of a standard, and also of the "slothful" manner of executing orders.

Mr. Kearney, one of the Commissioners, visited the store, and reported that Mr. Sherrard had delivered more materials than he had orders for, and that there were but seven flags not fit for service. He also, it seems, disapproved and struck out of Mr. Thacker's report the word "slothful," and reported that Mr. Thacker had not tatted his ledger from the 5th to the 14th of the month.

On the 18th, upon Mr. Kearney's reports, and upon Alderman Smyth's statement, "that an economical arrangement might be beneficially made, that would enable the Board to have the duty of the depot discharged by one overseer," they annulled Mr. Thacker's appointment, and directed the former assistant-overseer to perform all the duty.

Thus two years elapsed before the discovery was made that the inferior officer, at a lower salary, could do all the duty. Mr. Thacker states, that had he been offered the situation, at the lower salary, to do the whole duty, he would have accepted it.

Although the law places the appointment and removal of the inferior officers in the Commissioners, yet, in many instances, indirectly, and sometimes directly, such officers are nominated by Government.

Under this system of Government-interference the responsibility of the Commissioners is taken away; the nominees of the local government necessarily have a control over the Commissioners, who are liable to be called to account just as much for suppressing as for creating an unnecessary office or salary. Hence seems to arise the system of their suffering useless officers to remain on their establishment until they are fortified by a charge against the individual, upon which they may ground his dismissal.

135. The following return contains the representation of the Commissioners and their officers of their existing duties and employments:—

* A RETURN of the Officers and Servants, as well those on Annual Salaries as Weekly Pay, upon the Establishment of the Commissioners for Paving, &c., showing the Emolument attached to their respective offices, and the Duties performed by each.

Officers and Servants.	Offices.	Salaries and Wages.			Duties.
		Annual.			
Alderman (Richard) Smyth East-Clk George Morris Richard Kearney, Esq.	Commissioners . . .	£.	s.	d.	Give daily attendance; read and consider all necessary communications; refer and decide thereon; two always enter payments and draw drafts on the Bank for the purpose; one examines weekly the Treasurer's accounts, first of providing Commissioner's cards and signs the minutes of the proceedings as framed and written by the Secretary, &c. &c. Attends the Board at its sittings, and notes every special case; reports upon all questions of reference incidental to the department; writes the minutes in the books kept for that purpose; writes also all letters to Government, and such other as are of a special nature; signs memoranda and all other official documents incidental to the office, &c. Writes from the documents all official letters, except those above stated to; communicates therefrom to the several officers the orders of the Board in books kept for that purpose; issues orders from the same authority for the incidental receipt and payment of money by the Acting Treasurer in particular cases; and fills notices regarding the attendance of persons to be compared for private and other works chargeable, &c. Keeps the diary and index, and the papers registered therein, in the order prescribed by existing regulations, and occasionally assists in the other business of the office. Prepares and issues licenses, and registers the same in books kept for that purpose; prepares drafts of balances of deposits preparatory to payment; attends the hearing of summonses, and notes the decision thereon, and keeps the index of the summonses; and also registers office-cases in the book kept for that purpose. Copies the official letters; keeps the index in the letter-book, and attends the Board-room, &c. Examines a general superintendence, and, assisted by the principal clerk, pays accounts ordered for payment; has the custody of cash-balances in hand; draws the preparation of the public accounts of the establishment; prepares the annual estimates and statements connected with the finances; reports upon all financial questions of reference, &c.
223		18	11		
461		10	9		
John Kelly, Esq.	Secretary: — Salary paid to Mr. Little, late Secretary . . .	276	18	5	
Edward Clarke . . .	Clerk, Secretary's Office	150	0	0	
Richard Landry . . .	Ditto	130	0	0	
Robert McMillan . . .	Ditto	83	1	6	
William Piggott . . .	Ditto	40	0	0	
John Kelly, Esq.	Acting Treasurer . .	451	10	9	

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No 135.—A RETURN of the Officers and Servants, as well those on Annual Salaries as Weekly Pay, upon the Establishment of the Commissioners for Paving, &c.—continued.

Officers and Servants.	Offices.	Salaries and Wages.			Duties.
		Annual.			
		£	s.	d.	
William Farr . . .	Clerk, Treasurer's Office . . .	36	0	0	Examines calculations of all accounts forwarded for payment; prepares orders for payment thereof by Commissioners; and enters same in the cash-book; assists to pay the accounts when ordered; pays the workmen weekly; writes the cash-ledger, and the book for the accounts of private works; and assists to prepare and copy the public annual account; and balances the ledgers.
Michael J. Dillon . . .	Do.	72	0	0	Keeps two ledgers, which he puts into corrected abstracts of weekly collections; prepares weekly statement of the progress of the collection for the Board, and enters in the payments and incidental business of the office.
David F. Thacker . . .	Do.	48	10	0	Assists in keeping the two ledgers and other incidental business of the office.
William Aschlesch . . .	Book-keeper . . .	150	0	0	Compares the daily returns with those of the respondent; checks the number of labourers, watchmen, horses, &c. allowed under each contract; and the returns of wages from the streets, with the leads acknowledged by the depôt-keepers; enters references from the Board, and compares the weekly returns of stock of materials with the abstracts furnished by the first clerk; checks the calculations of the watchmen's accounts or pay-sheets weekly, and certifies the same; enters the general accounts in the office ledger from the cash-book and journal; examines and checks the several weekly, monthly, and other accounts sent to this office, and keeps a ledger of the expenditures.
Edward Mitchell . . .	Clerk in Book-keeper's Office . . .	101	10	8	Compares the daily returns of the street-keepers with those of the depôts; checks the materials acknowledged by the former with those charged by the latter, and makes the discrepancies (if any); opens new accounts weekly for each depôt and waiting party; puts workmen's accounts from the daily returns; enters the houses employed by each owner; compares their statement with the returns furnished by the superintendent of houses; notes the materials received by street-keepers, such as do not pass through any of the depôts; prepares and furnishes weekly pay-sheets of workmen; puts the abstract-book, showing each day the quantity of materials received from the various contractors, by which their accounts may be checked at any given period in the course of the month; an abstract of the materials supplied by the street-keepers in the progress of the works, and an abstract of the houses employed in the various departments; arranges the records of the office, and the daily returns—about 300 weekly.
Samuel D. Fleming . . .	Clerk in Book-keeper's Office . . .	92	6	2	Manages on a map the daily work of the horse, and puts the same for short work to the charge of the various horse-keepers; keeps the accounts of persons purchasing manure; copies weekly the accounts of openings made in the streets by the gas companies and gas-water connections; numbers the ticket-books supplied to the owners of depôts, and calls over occasionally the monthly entries in the journal.
William Dunn . . .	Superintendent of Works . . .	300	4	7	Prepares valuation of the annual expenditure upon the works in their respective divisions; superintends miscellaneous references connected with the works, occasional defects thereof, improvements and alterations; regulates levels for pavements, flagging, and macadamizing; inspect and direct the works of all kinds in progress; control various inspectors; prepare plans and designs of public works, and specifications thereof, together with the expense incurred in their construction when completed, preparing in the assessment thereof upon the persons chargeable, &c.
George Taylor . . .		300	4	7	
Dean Kinella . . .	Clerk in Superintendent's Office, and Implement Storekeeper . . .	70	0	0	Copies estimates and reports made by the superintendents; has charge of implement store, and keeps account of the receipt and delivery thereof.
William Maguire . . .	Inspector of Taxes . . .	800	0	0	Reports on applications upon the subject of taxes; prepares collectors' books for paving and lighting and watering levies; examines and corrects weekly abstracts of collectors' returns, and personally investigates all cases of non-collection, and the causes thereof, &c.
Matthew Langtry . . .	Clerk in Tax Office . . .	20	0	0	Assists the inspector of taxes in his duty.
William Edwards . . .	Assistants to the Superintendent of Works . . .	100	0	0	Assist the superintendents of works in the general details of their duties.
Thomas P. Thacker . . .	Surveyors of Works . . .	70	0	0	The duty of collecting rates is suspended for the present, and this person now acts as a collector.
James Carly . . .	Collector of Rates . . .	70	0	0	

No. 135.—A RETURN of the Officers and Servants, as well those on Annual Salaries as Weekly Pay, upon the Establishment of the Commissioners for Paving, &c.—continued.

MUNICIPAL
REGULATIONS.

Officers and Servants.	Office.	Salaries and Wages.	Duties.
		Annual.	
Frederick Johnston . . .	Superintendent of Horses and Inspec- tor of Scavenging . . .	£. s. d. 73 10 11	Superintends the watering of the streets generally; the horses and carts employed by the Board, and also the cleaning of the streets on the north side of the city.
Richard Wilson . . .	Inspector of Foun- tains	27 18 10	Attends to the repair of all fountains, assisted by a turncock, and reports occasional defects, to obtain orders for their repair.
Denis . . .	Inspector of Scaveng- ing	110 14 4	Superintends the cleaning of the streets on the south side of the city. Paid weekly 3s. 2s. 7d.
Sydney Chindling . . .	Housekeeper . . .	42 0 0	Has charge of the Corporation House, furniture, and other property; keeps them clean, and lights the office-fire, &c.
George Chindling . . .	Messengers	40 0 0	Attends the Board while sitting, and delivers all official letters.
Richard Foley . . .		40 0 0	Attends the Board before and after official hours, and has charge of the outward gates. Paid 5s. weekly.
Owen Case . . .	Hall Porter . . .	30 0 0	Takes care of the fountains under the Inspector. Paid weekly 3s. 3d.
Peter Dunn . . .	Turncock to Foun- tains*	24 1 0	See posted instructions. The situation of In- spectors of Lighting having been abolished, the re- spective inspectors attend to the lighting of the public lamps each night alternately. Paid weekly 20s. each.
Robert M. White . . .		50 0 0	
Michael Byrne . . .		50 0 0	
Thomas Scott . . .		50 0 0	
George Richardson . . .	Inspector of Nuis- ances	50 0 0	
James Griffin . . .		50 0 0	
J. Doherty . . .		50 0 0	
J. Nightingale . . .		50 0 0	
J. Dunbar . . .		50 0 0	
J. W. Bush . . .	Overseer of Stave- yard, Pardon-street* . . .	67 12 0	Monitors and inspects goods flags and paving- stones, keeps stone-lodges; fills receipts for stone- mains received and delivered; attends to the weighing- machines, and makes daily returns of the paid trans- actions. Paid weekly 25s.
W. Gordon . . .	Overseer of Pinnar- street Steadyard* . . .	63 0 0	The like duties as the overseer of Pardon-street steadyard. Paid weekly 25s.
Arthur Torkington . . .	Overseer of (the depot in Cross-street and Benson-street)* . . .	62 8 6	The like, and the receipt and delivery of manure. Paid weekly 25s.
Edward Fitzgerald . . .	Overseer of the depot on the West Road* . . .	50 0 0	Paid weekly 25s.
William McGuinness . . .	Overseer of Flapping Party*	67 12 0	Acts in the repair and execution of new footways, as directed by the supervisors; keeps the workmen employed; receives flags; gives receipts for them, and makes daily returns in the form prescribed. Paid weekly 25s.
Timothy Tierney . . .	Overseer of Sweeps* . . .	54 12 0	Makes private and public sewers, cross-drains, &c., and makes daily returns of the work executed, and of the party employed under him. Paid weekly 25s.
John Moran . . .	Paving Overseers* . . .	54 12 0	Superintend these respective parties, and have the payments accounted as directed by the supervisors, and make daily returns of the work now in use. Paid weekly 25s. each.
J. McCallan . . .		54 12 0	
A. Wilson . . .	Inspectors of un- cleansed streets* . . .	31 4 0	Superintend workmen employed on macadamized streets; give receipts for materials, and make daily returns. Paid weekly 12s. each.
— Farr . . .		31 4 0	
— Farrell . . .		31 4 0	
— Higgins . . .	Overseer of manure depot, Horsemarket* . . .	30 0 0	Paid weekly 10s.
Thomas Kelly . . .		32 0 0	
Philip Barnes . . .	Overseer of manure depot, Black Pitt* . . .	32 0 0	Superintend the receipt and delivery of manure; make daily returns thereof and workmen employed, &c. Paid weekly 25s. each.
James Goides . . .	Overseer of manure depot, Maroon-lane* . . .	32 0 0	
William Smyth . . .	Overseers of Scores, ginger-street parties* . . .	32 0 0	Each has charge of a party of scavengers located in their respective divisions, and carts, and make daily returns of their progress. Paid weekly 25s. each.
J. McDermott . . .		32 0 0	
W. Marks . . .		32 0 0	
John Morris . . .		32 0 0	
William Baggot . . .		32 0 0	
James Price . . .	Counsel to the Board . . .	32 0 0	Gives advice when consulted, and is paid fees upon the questions he is consulted upon.
Edward O'Brien . . .		32 0 0	
Thomas McKean, Esq. . .		32 0 0	
Peter Warren, Esq. . .	Law Agent	— — —	Prepares contracts and appointments, and executes the general business of law agency.
John Pagott . . .	Collectors of Paving and Lighting Tax . . .	— — —	Collect paving and lighting tax, and the assess- ment for works chargeable.
Francis Salomon . . .			
Robert Beatty . . .			
George Fraser . . .			
John Palmer . . .			
Thomas Hanigan . . .	Collector of Watering Assessment	— — —	Collects the watering assessment.
Robert White . . .			
John Wilson . . .			

R.R. The appointments of the three commissioners, the secretary, the treasurer, and the two supervisors of works, are voted in the last vestment, by the statute 47 Geo. III. c. 103, s. 14. The Commissioners are empowered to appoint all other or inferior officers and servants, under the 15th section of the same Act.

*The employments thus marked are not considered as coming within the meaning of either of the sections quoted, being regarded more in the character of artisans or operatives at an higher class than those engaged in manual labour, and their pay is accordingly included in the general mass of workmen's wages instead of the salaries of officers properly so-called.

MUNICIPAL REGULATIONS. 136. The following were the Incidental Expenses of the Establishment for the year ended 5th January, 1833:—

To informers, under the head of nuisances . . .	£35 0 4½	
" " Lighting . . .	2 4 0	
		£ 37 4 4½
Stationery, printing, and stamps . . .		260 14 3
Advertising and newspaper . . .		132 18 0
Law expenses (100 <i>l.</i> , part of this sum, is not included in the annual account, having been paid "on account" of law costs, and the commissioners of public accounts refusing, it is said, to allow items so paid) . . .		154 17 0
Corporation house . . .		156 5 8
Miscellaneous . . .		8 8 8
Total . . .		£750 7 11½

137 In the following tables are brought together the different sums of money expended on the Establishment and on the Works in the year ended 5th January, 1833.

The salaries and allowances to officers, which the Commissioners return under other heads, are here brought together in No. 1; and that table shows that a saving exceeding 3,000*l.* a year might have been effected—by appointing the assistants to active employments—by dispensing with the unnecessary offices of treasurer and of a second supervisor of works—and by confining the salaries and allowances made to officers appointed by the commissioners within the strict letter of the clauses limiting their powers in that respect.

No. 1.—Expenditure on the Establishment.

ESTABLISHMENT.	Amount paid in Year ended 5th January, 1833.	Amount which might have been saved to the Public.
1 <i>st.</i> For ASSISTANTS	£. s. d.	£. s. d.
2 <i>ndly.</i> For SALARIES AND ALLOWANCES:—		
To Officers appointed by the Lord Lieutenant:—		
The Town Commissioners	1,476 18 5	
The Secretary	276 18 5	
The Treasurer	461 10 9	451 10 9
The Two Supervisors of Works	738 5 2	369 4 7
To Officers appointed by the Commissioners:—		
To Collectors:—		
At 6 <i>d.</i> in the Pound on the general Parity and Lighting Tax . . .	831 6 9	
At 1 <i>l.</i> 6 <i>d.</i> in the Pound on Special Assessments viz:—		
On Assessments for Watering	77 13 1	25 15 9½
" " Sewers	51 17 2	25 13 7
" " Paving	12 13 7	6 5 9½
" " Flagging	15 12 10	7 14 5
" " Reclaiming	1 6 1	0 10 0½
To other Officers and Servants, whose Salaries and Allowances are retained by the Commissioners under the head of Salaries	£. s. d.	
To other Officers and Servants whose Salaries and Allowances are retained under other heads viz:—		
Inspector of Lighting	£89 19 5½	
Overseers of Scavenging	637 16 8	
Overseers of Paving	235 0 0	
Overseers of Manuremaking	143 14 0	
Overseer of Flagging	57 12 0	
Overseer of Sewers	54 12 0	
Inspectors of Nuisances	383 13 5	
Turnkeys of Fountains	24 10 3	
Gravities to Tenpach	15 7 0	
Miscellaneous Gravities	157 3 5	
Charitable Allowances	14 13 9	
	1,898 1 5½	
	3,554 5 14	1,346 12 ½
3 <i>rdly.</i> For INCIDENTAL EXPENSES	750 7 11½	
	9,179 12 8	3,087 11 5½

No. 2.—Expenditure upon the Works.

	To Contractors	To Artificers, Labourers, &c.	Use of Stones, Brick, &c.	Implement and Purchase and Repair of Carts	Materials.	(a) Wages of English, (b) of Irish.	Repairs of Drays, Teams, &c.	Total.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Lighting	7,933 13 6							7,933 13 6
Scavenging		2,989 9 9	3,774 6 9	684 5 5		(a) 313 4 6	348 14 9	7,641 14 4
Paving and Macadamizing		8,160 13 11½	1,370 11 10	263 15 6	5,263 4 7	(a) 52 10 9	68 10 10½	13,419 18 9
Flagging		326 2 10	67 0 3		1,544 13 6			3,733 1 9
Sewers	1,186 4 4½	751 3 4½	154 11 5	6 10 8	570 3 9			
Drainage—Sewers	57 15 4½	2 6 3						
Reclaiming Waste Grounds, &c.	75 15 8	31 12 5½	4 14 3		10 13 1			149 15 9½
Fountains	725 4 4	36 12 10				(a) 128 9 2		907 4 4
Watering the Streets		96 9 4	763 13 3	190 2 7		(b) 300 0 0		1,250 2 1
Street Lamps, &c.	155 10 8	2 9 8						160 5 1
Miscellaneous		1 6 10		40 15 11			19 15 5	47 9 1
	12,265 8 6	6,477 17 6½	5,134 18 9	1,191 6 1	8,068 14 11	544 3 8	488 9 11½	35,153 15 1

There is an item, in the expenditure upon works, of 300*l.* a year paid to the corporation of Dublin, or its pipe-water committee, for water used for the purpose of watering the streets; which it seems questionable whether the commissioners ought to be called upon to pay. We have already mentioned the early Acts, enabling the commissioners of paving to erect fountains and conduits for the supply of water for the health, convenience, and benefit of the poor, and cleanliness of the city; and imposing on them the duty of watering the streets (23, 24 Geo. III.; 26 Geo. III. &c.); as well as the Act (28 Geo. III.) imposing the payment of 150*l.* a year, for ever, upon the commissioners of paving, for water for the fountains and conduits. The Act of 1807 (s. 6) also recited, that the erecting of fountains and conduits, for the use of the poor and the public, must tend greatly to the free intercourse, health, accommodation, and safety of the inhabitants; and (s. 89) that those before erected had been found to contribute greatly to the health, convenience, and benefit of the public, and in particular of the poor of the city and the cleanliness of the city; and it enacted, that the commissioners should erect as many fountains or conduits for the supply of water as they should think necessary; and (s. 90) that in like manner, and for the same purposes, and in pursuance of the spirit of the agreement specified in the 28 Geo. III., the commissioners out of their funds should pay to the corporation of Dublin the sum of 150*l.* in one or more payments in every year, for ever; and by s. 94 it was enacted, that the commissioners should have full power and authority, from time to time, to cause all or any part of the public streets to be watered in such manner as they should appoint, and, if necessary, to sink pumps, &c.

The Act of 1814 (s. 21) recites, that the watering of the streets have been found of the greatest utility and comfort to the inhabitants and passengers; and imposes a tax, for the purpose of watering, upon the houses, &c., in any street, &c. the majority of the householders, &c. of which shall apply to the commissioners to have the same watered.

After the passing of the Act, an agreement was entered into between the commissioners and the pipe-water committee, whereby the latter undertook to supply water, for watering the streets, on receiving 10 per cent. upon the net amount of watering-tax collected in such streets as should be watered by supplies given by them. This was acted on up to 1830, when the pipe-water committee sought to obtain the like per-centage upon the produce of all streets, as well those watered by water supplied by them as streets for which a supply was obtained elsewhere.

On the 17th March, 1831, they offered to enter into an agreement for a supply of water for watering the streets for a term of five years, at 350*l.* a year, being nearly double what had been paid before.

Upon this, the commissioners of paving took the opinion of the Attorney-General (Mr. Blackburne), whether, under the 89th and 90th sections of the 47 Geo. III., they were not entitled to obtain a supply of water for all purposes (including the watering of the streets) without any other charge than the 150*l.* per annum provided by the 90th section. But the one which they submitted did not refer to the Acts of 1784, 1785, nor to the documents which were interchanged between the commissioners and the pipe-water committee in 1787 and 1788.

The opinion was adverse to the claim of the commissioners; but it proceeded upon an assumption, that the practice of watering the streets arose from and was created by the authority of the 47 Geo. III. s. 94, and that it was not among the purposes to which the water was applicable before the Acts 28 Geo. III. and 47 Geo. III. were passed.

The commissioners have not since apprised their counsel of those facts, and have submitted to pay to the pipe-water committee an additional annual sum of 300*l.* for the supply of water.

The Commissioners of Inquiry, who reported in 1826, recommended the system of contract as being the best means by which any public body can carry on works, when the due execution of them can be insured by sufficient superintendence and inspection; and urged its adoption, particularly with respect to the scavenging of the city, which they found had been attended with an expense amounting to 6,000*l.* a year.

They recommended that the city should be divided into small districts, so as to come within the reach of the neighbouring farmers and gardeners undertaking the work; they also considered that it would be necessary to separate the work into two branches, viz., the sweeping and the removing of the soil, and that the same person should not be allowed to contract for both.

In September, 1827, the commissioners of paving advertised for contracts for carting away the street-soil collected by the sweeping parties, in nineteen districts, into which they divided the city. Several proposals for particular lots were received; but they entered into a contract with Mr. Wilkom Daniel, both for the sweeping and carting away of the soil, for the entire of the city.

This was a contract for five years, from the 5th April, 1828, at 4,000*l.* a year, and continued in operation only up to the 19th March, 1830, when the commissioners felt themselves necessitated to use a power they had reserved, of annulling it, in consequence of the unsatisfactory manner in which the contract was performed in some respects, and of Mr. Daniel's having, in other respects, failed to perform it altogether.

They have concluded, from their experience in this instance, that it is not practicable to have the service performed by contractors in a manner that would be satisfactory to the public.

It is to be observed, however, that the recommendation of the Commissioners of Inquiry of 1826 has, by no means, had a fair trial.

The total expenditure for the year ended 5th January, 1833, was as follows:—

MUNICIPAL
REGULATIONS.

Salaries and official allowances, and incidental expenses of the establishment	£ 9,179 12 5
Expenditure upon the works	32,158 12 2
Total expenditure	£41,338 4 7

The present commissioners, in their mode of keeping their accounts, have included in their disbursements since 1826 sums under the heads of "Tax Refunded" and "Repayments" of deposits.

Those amounted, in the year ended 5th January, 1833, as follows:—

Tax refunded	£ 56 9 11
Repayments of deposits	708 12 11
Total repayments	760 2 10
Total expenditure	41,338 4 7
Total disbursements	£42,098 7 5

It appears that—

The average annual expenditure for five years, ended the 5th January, 1835, under the former commissioners, amounted to (in present currency)	£35,820 10 1
The average annual expenditure for five years, ended the 5th January, 1833, under the present commissioners, amounted to (after deducting "repayments")	£41,505 2 10½
There being thus, in the latter period, an average annual increase of expenditure amounting to	£5,684 12 9½

The present increased expenditure is attributed by the commissioners to the following causes:—1st, in part to the growing extent of the city, and, consequently, of their works; 2dly, in part to the adoption of the system of making and repairing the streets with broken stone (called macadamizing) instead of pavement, by reason of which the expenses, both of making and repairing and of cleaning, are increased, and the profits from the scavenging diminished; 3dly, in part also to a necessity, as they conceive, for the very expensive establishment they at present maintain.

Accounts.

The 47 Geo. III. s. 27, directed, that the Commissioners of Imprest Accounts should, once in every year, examine and audit the accounts of the Commissioners of Paving. The books of account, it was directed (s. 26), should contain distinct and separate accounts, of the produce, and of each and every distinct tax, rate, and assessment hereby imposed, or directed to be raised, levied, or paid; and also of the fines, forfeitures and penalties received, levied, or paid for each and every distinct offence, thereby made liable to any fine, penalty, or forfeiture; and also of all fines, forfeitures and penalties imposed and levied upon any person or persons contracting with the said Commissioners for the execution of any of their works, by reason or in consequence of any breach of the terms, stipulations, covenants, or clauses, or any of them, in such contract or contracts respectively contained; and what sum or sums (if any) shall have been paid thereout respectively to any informer or informers, and what part applied to the purposes of this Act respectively; and also particular accounts of all sums received by any of the officers or servants of the said Commissioners, from any person or persons, body or bodies politic or corporate, for or in respect of any licence granted, or work to be done, or other matter or thing whatsoever in anywise connected with the business of the said Commissioners, and how the same has been applied; and the accounts (to be audited), it was directed (s. 27,) should set forth particularly, "under separate heads as aforesaid," a full and true statement of all and every their receipts and expenditures, and of all arrears, and sum and sums of money due to them on any account whatsoever; and also of all and every sum and sums of money due by them on any account whatsoever, and also of all contracts made by them, and how much of the work had been executed or not.

These directions, as to separate accounts, appear to us not to have been properly complied with.

Audit by Imprest
Commissioners.

The accounts have been annually audited, and were published in the printed Reports of the Imprest Commissioners up to the year 1832, when the audit was transferred by Act of Parliament to the Commissioners for making accounts in Great Britain; and from that time the Irish public appear to have lost the advantage arising from the annual publication.

Observations.

The audit of the accounts by the Imprest Commissioners appears not to have been effective. Great accuracy has been observed in checking wrong "totals" or miscastings; but the substantial abuses of the Board do not appear to have been brought to light or controlled by any investigation instituted upon the audit. Disallowances, indeed, have occasionally been made; but no consequences follow from that, save that the amounts disallowed are carried on, upon paper, from year to year, as part of a balance "in favour of the public." We found in the last account (1833) twelve items of this description, amounting in the whole to 923l. 15s. 2d.; of these, nine (amounting to 734l. 12s. 11½d.) were of dates in and previous to 1815, and, as might be expected, are considered wholly unavailable; three, only, exist in the time of the present Board; the first is a sum of 187l. 7s. 1½d. for which a collector (J. E. Knight) was a defaulter; the Commissioners sued his sureties and recovered only a portion of the defalcation; it appeared that he had collected money after he was dismissed, and the sureties were held not liable for money received by him after his dismissal. The Commissioners did not advertise his dismissal at the time. The other two items were errors in calculation, and are of extremely small amount.

(*ib.* 8d., and 11 8s. 5d.); but we mention them as not the less strongly exemplifying the faultiness of the audit, the one having remained in the accounts from 1825, and the other from 1828. In fact, it is complained, and it seems, justly, that the provisions of the 52 Geo. III. c. 52, ss. 38, 39, have not had their intended operation, that the law should take its course for recovery of sums disallowed by the Imprest Commissioners, and not allowed, within six months, by the Lord Lieutenant.

Much dissatisfaction appears to have prevailed, also, on account of the difficulties experienced by the tax-payers in obtaining information as to the affairs of the Board. In 1822 the chief secretary replied to an application for permission to view the accounts, "that it was quite inconsistent with precedent, and most inconvenient, in point of practice, to authorize any person to have access to the accounts of any public establishment, until after reported duly by the Commissioners of Accounts." A subsequent application for accounts which had been passed was also evaded. In 1823 a further application to inspect accounts up to 1820, having been referred to the Commissioners of Accounts, permission was granted; whereupon, very serious charges were brought against the establishment. But, until the inquiry afforded in 1825, the tax-payers had no means of instituting an investigation into the affairs of the Board. Even that inquiry, and the report upon it, although extremely copious, appeared to some defective, and further charges were opened before us. To us the present Commissioners of Paving afforded, in every respect, the most ample information in their power; but we regret to have observed that, in the year 1828, when they were applied to, by a respectable inhabitant, for information as to the subject of the salaries of the establishment, they answered, that they did not consider it expedient to give the information without receiving the commands of Government.

This Report would have been much extended, had we gone into a recapitulation of all that has been proved or complained of; but we think that sufficient must appear from the Report made in 1825, and what we have above stated, to show the necessity of giving to the tax-payers an effective check and control over the expenditure of their money. The interference of the Government, however well warranted while the State contributed 10,000*l.* a year to the funds of this establishment (as was the case prior to 1807), and however useful at all times, ought not so long to have been maintained, to the exclusion of those who paid the tax; and it is scarcely conceivable that the public could have sustained the losses which have been incurred, had it not been for the secrecy observed with reference to the accounts.

It will be necessary, in subsequent portions of this Report, to observe upon the duties which have devolved on the Commissioners of Paving, as Commissioners for erecting Fountains in the Earl of Meath's Liberties, upon the regulations in existence for Rutland Square, and several other separate portions of the city and suburbs.

Several local Acts have been passed for regulating the supply of Gas Light to the inhabitants; they are the 1 Geo. IV. cap. iv. and 4 Geo. IV. cap. xiii. for the "Dublin Gas Company;" the 4 Geo. IV. cap. xxxviii. and 10 Geo. IV. cap. lii. for the "Hibernian Gas Light Company;" and the 5 Geo. IV. cap. xlii. for the "Oil Gas Company."

Liberty Fountains,
&c.

Gas Light.

138. The Term and Quarter Sessions Grand Juries possess extensive powers in levying taxes on the citizens of Dublin for various public objects.

GRAND JURY
TAXATION.

It is now unnecessary to inquire to what extent or by what authority the Term and Sessions Grand Juries of this city were accustomed to impose taxes for public purposes, previously to the enactment of the 29 Geo. II. c. 14 (*A. D.* 1755). They did, before this Act was passed, exercise such powers; but it recites, that doubts had arisen touching the powers of the Grand Juries of the county of Dublin and county of the city of Dublin in the Court of King's Bench to present money for public uses. Previous statutes had conferred on Grand Juries at "assizes" the power of assessing the inhabitants of their respective counties.

29 Geo. II. c. 14.

The statute 29 Geo. II. c. 14, enacts, that it shall be lawful for the Grand Juries of the county of Dublin and county of the city of Dublin respectively, in term time, to make presentments, and for the judges of the Court of King's Bench in open court to confirm the same, for the raising money on the said counties respectively, for all uses and purposes for which, by any law then subsisting, the Grand Juries at assizes were empowered to make presentments of money, and that the presentments so made should be under the like powers, &c., as to raising, levying, and duly applying and accounting for the money presented, as theretofore used in the Court of King's Bench, or, by any law then subsisting, directed for presentments at assizes.

A later statute, 25 Geo. III. c. 40, regulated presentments of money in the county of the city and the mode of accounting for the public money, and gave additional powers for levying same, but was afterwards, with some exceptions, repealed; this statute conferred on the Quarter Sessions Grand Juries concurrent authority with the Term Grand Juries to make certain presentments. The 6th section of the 29 Geo. II. c. 14, which abolished the power of presenting money by Quarter Sessions Grand Juries, had excepted the Quarter Sessions Grand Juries of the county of the city of Dublin.

25 Geo. III. c. 40.

The fiscal powers of the Grand Juries of the city of Dublin, both Term and Sessions, are now principally governed by the statutes 33 Geo. III. c. 56, 47 Geo. III. sess. 2, cap. 74, and 49 Geo. III. cap. 20—the two latter are local Acts. Other statutes, under which the Grand Juries present certain sums in lieu of fees to public officers, and by which the presentments for prisons are regulated, have been already noticed in this Report.

33 Geo. III. c. 56,
47 Geo. III. sess. 2,
c. 74,
49 Geo. III. c. 20.

The county of the city of Dublin has been commonly excepted from the general Acts relating to Grand Juries, and seems implicitly excepted from all such Acts which only provide for the regulation and proceedings of Grand Juries at assizes, without adding the words "presenting terms;" as, for instance, the late important statute, 3, 4 Will. IV. c. 78, enabling the rate-payers to act at special sessions.

MUNICIPAL
REGULATIONS.
Sessions Grand
Juries.

139. The power of the Quarter Sessions Grand Jury to present money was, by the 27th and 28th sections of the 33 Geo. III. c. 56, limited to presentments for the following purposes, viz. :—
1. For the repair of injuries occasioned by fire, or other unforeseen accident, to the gaols or public prisons of the city in the time of vacation, and when it may be necessary to make use of the public money to repair such gaols or buildings, before any presenting Grand Jury at the term can assemble to make provision for the same; in which case the Sessions Grand Jury may cause valuations to be made of the sum necessary to be expended in the repair of such gaols or buildings, and make presentments of the sums necessary to complete such repair, which sums the treasurer is directed to pay, provided he has sufficient money in his hands for that purpose, and provided such presentments shall be confirmed by the justices at Quarter Sessions; 2, for the building and repair of the Sessions-house; 3, for carrying and conveying prisoners to and from trial; 4, for the crier and servants of the Sessions-Court and Grand Jury; 5, for gaoler, deputy gaoler, and turnkey; 6, for surgeons, for examining health of prisoners; 7, for repair, preservation, and accessories for the gaol (bread and apothecaries' bill excepted). The fifth, sixth, and seventh heads are now provided for exclusively by the Term Grand Juries under the Gaol Acts.

The 29th section of the same statute (33 Geo. III. c. 56) provides, that the repeal of the 26 Geo. III., thereby made, should not affect the rights of the clerks of the peace of the city of Dublin to the several presentments which the Sessions Grand Jury were thereby authorized and had been accustomed to make for them. This is more fully noticed in our account of the emoluments of the clerks of the peace.

For the purpose of conveying a more distinct idea of the jurisdiction now exercised by the Sessions' Grand Jury in presenting money for public purposes, under the limitations above imposed by the 33 Geo. III. we give a copy of the presentments made by them at Michaelmas Sessions, 1833, and January Sessions, 1834.

Presentments at Michaelmas Sessions, 1833.

To a presentment to Messrs. Green and Archer, clerks of the peace, being amount of their fees on prisoners tried and convicted, pursuant to the 49 Geo. III. c. 101, and 1 & 2 Geo. IV. c. 77	£486 6 1
To ditto, to same, pursuant to an Act passed 31 Geo. III. c. 11, s. 1	46 3 1
To ditto, to same, for prosecuting nuisance presentments, pursuant to 33 Geo. III.	18 9 2
To ditto, to same, for drawing and entering presentments, pursuant to 26 Geo. III. c. 40, s. 31, and 33 Geo. III. c. 56, s. 29	9 4 7
To ditto, to high sheriffs, their amount, fees on prisoners tried and convicted, pursuant to the 49 Geo. III. c. 101, and 1 & 2 Geo. IV. c. 77	109 8 11
To ditto, to John Smith, gaoler of Newgate, for his fees on like, pursuant to like	60 17 11
To ditto, to John Ryan, crier, for like, pursuant to like	46 1 8
To ditto, to same, for his care and attention to the duties of his office, pursuant to the 33d Geo. III. c. 56, s. 28	12 0 0
To ditto, to John Norris, for one quarter's salary, due this Sessions, pursuant to like Act (summoner of witnesses)	20 0 0
To ditto, to Sarah Bower, court-keeper, 25 <i>l.</i> part thereof being for one-half-year's salary, due this sessions; 9 <i>l.</i> other part thereof for stationery; and 3 <i>l.</i> 8 <i>s.</i> 3 <i>d.</i> for providing coals and candles, pursuant to like	37 8 3
To ditto, to Catherine Benn, door-keeper, for half-a-year's salary, due this Sessions, pursuant to like	17 10 0
To ditto, to James Walker, door-keeper, for the like, pursuant to like	17 10 0
To ditto, to Henry Roche, door-keeper, for like, pursuant to like	17 10 0
To ditto, to William Pown, door-keeper, for like, pursuant to like	17 10 0
To ditto, to Elias Vance, house-keeper of the Sessions-house, 25 <i>l.</i> for half-a-year's salary, and 20 <i>l.</i> for half-a-year's allowance for providing coals and candles, pursuant to 33 Geo. III. c. 56, s. 28	45 0 0
To ditto, to Arthur Newill, city surveyor, for surveys, reports, and presentments of dangerous old houses, pursuant to like, s. 29	12 14 0
To ditto, to James Morris, painter, for work done in the Sessions-court, pursuant to like	8 19 0
To ditto, to John Jackson, ironmonger, for work done in the Sessions-court, pursuant to like Act	11 6 4

Presentments at January Sessions, 1834.

To a presentment to Messrs. Green and Archer, clerks of the peace, being amount of their fees on prisoners tried and convicted, pursuant to the 49th Geo. III. and 1 & 2 Geo. IV.	492 10 0
To ditto, to same, for one quarter's allowance, pursuant to 31 Geo. III.	46 3 1
To ditto, to same, prosecuting nuisance presentments, pursuant to the 26 Geo. III. and 33 Geo. III.	18 9 2
To ditto, to same, for drawing and entering presentments, and attending grand juries, pursuant to 33 Geo. III.	9 4 7
To same, to high sheriffs, being amount of their fees on prisoners tried and convicted, pursuant to 49 Geo. III. and 1 & 2 Geo. IV.	110 16 8

To ditto, to John Smith, grocer, for his fees on like, pursuant to like	£61	13	4
To ditto, to John Ryan, crier, for his fees on like, pursuant to like	46	3	4
To ditto, for same, for his care and attention to the duties of his office	12	0	0
To ditto, to John Norris, for one quarter's salary, due to him this Session, pursuant to like	20	0	0
To ditto, to Eliza Vance, house-keeper, for providing an assistant to cleanse the Sessions-court, pursuant to like	10	0	0
To ditto, to Arthur Neville, city surveyor, for surveys, reports, and presentments of old houses, pursuant to like	8	8	0
To ditto, to John Jackson, for ironmongery done in the Sessions-court, pursuant to like	4	12	8
To ditto, to Gas Light Company, for lighting one lamp in the Sessions-court, pursuant to like	4	1	3

The quarter sessions grand jury make presentments at each session, so that many of the presentments above mentioned are made four times a year; some of them varying—such as the presentments to officers for fees, and for repairs; and others being fixed—such as salaries. Those which are stated to be for half a year are, of course, made only at each alternate quarter sessions. The presentments to the clerks of the peace, sheriffs, and inferior officers, pursuant to the 49 Geo. III. and I, 2 Geo. IV., are on prisoners convicted. Before the passing of the 7 Geo. IV. c. 74, presentments were made to these several officers on acquitted prisoners, (See *ante*, title "Town Clerks, their functions and emoluments, &c.," p. 41). The presentment of 46l 3s. 4d. to the clerks of the peace is made quarterly, under the authority of the 31 Geo. III., c. 11, and is expressed by that Act to be in consequence of additional trouble imposed on those officers. The presentment of 9l 4s. 7d. is also made quarterly to the same officers. The presentment for the prosecution of nuisances is made to them, not as clerks of the peace, but as law agents of the grand jury employed for that purpose, as already noticed. The presentments to the crier of the sessions-court are also made quarterly, and the fees and salary of this office appear to amount to about 250*l.* per annum. We see no adequate reason for the continuance of this separate power of assessment in the sessions grand juries.

140. The Presentments of public money made by the Term Grand Juries are made either in cases in which they are bound to present, and have no power of rejection, or in cases in which they have a discretion either to present or reject. In some of the first class of cases they possess no power of regulating the amount of the presentments, while in others, although they cannot reject the presentment altogether, they have power to control its amount, either by exerting their influence in making provident contracts, or by making limited grants. The cases in which they have no power to reject or regulate the amount of the presentments are, grants to charitable institutions; the payment of instalments of loans made by government to the board of health; interest upon an advance of money made by government to the Commissioners of Wide Streets under the 47 Geo. III. cap. lxxiv. (local act), hereinafter noticed; the salaries of certain public officers; rents for the sites of goals and prisons; and presentments to the clerks of the crown, and other officers, in lieu of fees.

As to those cases in which the grand juries can exercise a controlling power over the amount, though they cannot reject altogether, there are some in which the discretion is limited within certain specified sums. The salaries of and allowances to several officers are of this description; and, in such cases, particularly as to salaries, the controlling power of the grand jury is very seldom exercised, it being usual, in such cases, to present to the full amount of their authority. As to the supply of necessities to the goals and prisons of the city, the grand jury have it in their power to confer much benefit on their fellow citizens by the exercise of a vigilant economy. A strong opinion, however, has prevailed amongst some of the citizens, that this power has not been exercised, in many instances, with due regard to the public interests, while on the part of the grand juries it is alleged, that the contracts in these cases are advertised for in the public newspapers, and that the persons who make the most eligible offers invariably obtain the supply.

Much evidence was given on this subject before the Committee of the House of Commons, on the local taxation of the city of Dublin, which sat in the year 1823, and to whose report we refer.

No evidence was laid before us of any particular instances of improvident contracts made by the grand juries in reference to these supplies. The suspicions entertained as to the partiality of the grand juries in the exercise of their powers of disposing of public money are, probably, much exaggerated by the general distrust entertained towards them from their being constituted in the exclusive manner we have already described, and from the secrecy of their proceedings.

The presentments with respect to which the grand juries possess the power of rejection are principally those for the purposes of making and repairing roads and bridges, and other such Public Works.

The roads repaired by the grand jury of the city are those situate within the county of the city, but without the Circular Road. With the bridges over the Liffey, the grand jurors have no concern, as they are placed under the superintendence of the Ballast Board. The bridges over the river Dodder are those for the building and repairing of which the term grand juries have power to present. When the centre of a road is the boundary between the county of Dublin and the county of the city, the grand jury of the county of the city is, by the 33 Geo. III., c. 56, sec. 33, authorized to appoint an overseer over their side of such road, and to present for the repair of that side; and when a bridge, pipe, or gullet is similarly circumstanced, the city grand jury is directed, by the same Act, to present one half the expense of making or repairing the same; but the treasurer is in this case directed not to pay the money unless the county grand jury present the other moiety of the expense. The roads, for the making and repairs of which

MUNICIPAL
REGULATIONS.

the city grand jury have to provide are principally to the south of the Liffey, as the county of the city extends in that direction to the Black Rock, a distance of nearly five statute miles from the city, and there are no turnpike trusts in that direction.

The sums presented for repairing roads are very considerable. In Easter term, 1834, the amount presented for such objects was 2,595*l.* 1*s.* 5*d.* The sums are presented to individuals appointed annual overseers, to be by them expended for the purposes proposed. Some of them are generally members of the grand jury. It does not appear that any advertisements are published inviting contracts for such works, and the county of the city of Dublin, as we have already noticed, is not comprised in the late statute, 3, 4 Will. IV. c. 78, which contains special provisions of great importance and value, applicable to presentments of this nature.

The chief bridges, on the Dodder, presented for by the grand jury, are Dromybrook Bridge, Ball's Bridge, and Ringsend Bridge. A new bridge has been recently erected at the first-named place, and extensive alterations are in progress at Ball's Bridge. The erection of Dromybrook Bridge has been the subject of much animadversion, as well on the grand jury as on individuals connected with the transaction. The amount of the first presentment for this bridge was 5,603*l.* 3*s.* 1*d.* This presentment appears to have been made at Easter term, 1830, by the grand jury, merely on plans and estimates furnished by the architects of the corporation, Messrs. Semple and Son, without any public advertisement. These architects, one of whose, Mr. John Semple, jun., was a sheriff of the city in the subsequent year (1831), considered the contract as made with them on that occasion, and actually proceeded with some preliminary preparations towards the erection of the bridge. However, the overseers appointed to expend the money subsequently advertised for proposals, and entered into a contract with a firm of considerable eminence for the execution of the work for 5,000*l.* There was another estimate furnished on that occasion for 4,500*l.*, and it was stated to us by one of the contractors, that he heard the reason why the person who sent in that estimate did not obtain the contract was that he could not refer to any public work in which he had been engaged. The preparation made by the Messrs. Semple were taken advantage of by the actual contractors, who paid Messrs. Semple 46*l.* for the materials, &c., prepared by them. But a very serious imputation was made, in the progress of our inquiry, that the contractors had procured the contract by means of the payment of the sum of 1,500*l.* to the Messrs. Semple, or one of them. The elder Mr. Semple became insolvent, and in the schedule filed by him previously to his discharge in the Insolvent Debtor's Court, he actually stated, that his son had received this large sum from those persons. Both the contractors and Mr. Semple, jun., came forward before us, and positively denied on oath the fact of any such payment having been made, or any money whatever having been paid to the Messrs. Semple, except the 46*l.* above mentioned. The magnitude of the sum presented for a bridge of a single arch of 50 feet span was strongly complained of, and, in the instance of other bridges on the same river, it was deposed that much smaller sums had been found sufficient. It is, however, we think, difficult to believe that any such sum as was stated should have been given to obtain such a contract, especially where the same object could have been attained without risk, by making a reduction to the like amount in the contract price proposed. As to the cost of the bridge, the contractors deposed that every part of the expenditure was verified on oath, and that the price for the bridge, according to its actual contents, was considerably less than what they had been in the habit of receiving for several years for similar works.

The contract price we have mentioned was only for the erection of the bridge, large sums were subsequently presented for the approaches to it, and, in the whole, the cost of this work exceeded 7,000*l.*

The following are the most considerable items of the expenditure:—

Sum presented to the overseers as expended by them in building the bridge	£5,354 19 9
Presentment to John Semple, jun., for his trouble in preparing plans, elevations, sections, and estimates for the bridge, (Easter, 1832)	100 0 0
Ditto for road and parapet walls near the bridge	908 4 2
Ditto for fencing the approaches to the bridge, (Michaelmas, 1832)	510 9 6
Ditto to John Semple, for planning and superintending the formation of the approaches, (Easter, 1833)	70 18 8
	£6,944 12 1

Besides various presentments at different terms for building walls, sewers, &c., rendered necessary by the erection of the bridge and alteration of the road.

Causes of Increase
of Taxation.

From various Causes, the increase in the amount of the grand jury Taxation of the city of Dublin has been enormous within the last fifty years. The principal have been the additions made by authority of parliament to the salaries of several officers paid by presentments of the grand jury, the provisions made for payment of the fees of prisoners by presentments, and the very considerable addition which has been made to the jurisdiction of the criminal courts of the county of the city by adding to the city, under the Police Act, for purposes of criminal jurisdiction, all such parts of the county of Dublin as are situate within the Circular Road. From this last cause, as well as from the increase of population and crime, have arisen the necessity of building an increased number of prisons, maintaining an additional staff of officers, the support and payment of the fees of prisoners who in reality belong to the county, and a serious addition to the expense of prosecutions, while the whole of this vast increase to the burthens for the sustenance of which the Grand Juries are bound to provide, is left to be borne solely by the county of the city.

Officers of Grand
Jury.

141. The Officers for the payment of whose salaries the Grand Juries provide, besides those already noticed as attached to the Sessions-house and prisons, are,—

The Treasurer of the County of the City of Dublin.
 The Secretary of the Grand Jury.
 The Inspector of the City Accounts.
 The Collectors of the Grand Jury and Wide Street Cesses.

MUNICIPAL
REGULATIONS.

The Treasurer of the county of the city of Dublin is elected by the magistrates of the county of the city (without regard to qualification of property), under the 49 Geo. III. cap. xx. s. 3, (Local Act,) which directs, that, where a vacancy occurs, the lord mayor shall, within twenty-one days after such vacancy, convene the board of magistrates of the county of the city to meet at the sessions-house, between the hours of twelve at noon and two in the afternoon, and by the majority of votes of the magistrates who shall be present (notwithstanding want of qualification in property), shall proceed to elect a fit and proper person to be treasurer of the city of Dublin; provided that no person who shall be elected shall be capable of serving in said office, unless he shall immediately after his election in open court enter into a recognisance, before the chairman of the meeting at which he shall be elected and any other magistrate present at such election, in the sum of 5,000*l.*, and shall procure two or more sufficient sureties at the same time, each in a sum equal to one half the sum in which the said treasurer shall bind himself (the condition being to account truly for, and pay over, the monies received by him, and discharge the duties of his office). This Act contains some other provisions respecting the treasurer and his sureties, which we deem it unnecessary to notice more in detail. It is obvious, that, as the charters of the city are, the lord mayor, sheriffs, and aldermen, and, of the additional magistrates appointed under the Police Act four are sheriffs' peers, the appointment of the treasurer is substantially vested in the corporation.

The Duties of the office will be presently noticed in stating the manner of levying, disbursing, and accounting for the grand jury cess. The Emoluments of the treasurer arise from two presentments made by the term grand jury.

One for his salary, under the authority of the 49 Geo. III. cap. xx. s. 8, for 150 <i>l.</i> Irish each presenting term, being, per annum . . .	£276 8 4
The other is for complying with the 47 Geo. III. cap. lxxiv. relative to wide street taxes, 75 <i>l.</i> Irish each presenting term, being, per annum . . .	138 9 2
Making a total salary of 450 <i>l.</i> Irish, or British per annum . . .	£414 17 6

The Secretary of the Term Grand Jury is appointed by that body. The appointment is made under the authority of the 33 Geo. III. c. 23, and is for both the term and sessions Grand Juries. This officer, however, does not discharge any duties with respect to the sessions Grand Jury. His emoluments arise from presentments made half-yearly by each presenting Grand Jury.

One under the authority of 49 Geo. III. cap. xx. s. 8, for 75 <i>l.</i> Irish half-yearly, being, per annum . . .	£138 9 2	Emoluments.
Another under the 47 Geo. III. cap. lxxiv. for complying with said Act relative to wide streets, for 25 <i>l.</i> Irish half-yearly, being, per annum . . .	46 3 2	
	£184 12 4	

In addition to which the following presentment appears in the presentment-sheet of Easter term, 1834:—

To Alexander and John Montgomery, secretaries, the sum of 83 <i>l.</i> 6 <i>s.</i> 7 <i>d.</i> , being their taxed bill of costs for law business done by order of the Grand Jury, and the sum of 73 <i>l.</i> 14 <i>s.</i> expended by them for advertising, by order of same, pursuant to account, affidavit, and 33 Geo. III.	£163 0 7
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This presentment is for one-half year, and similar presentments varying in amount occur in each presenting term.

The office of Inspector of the City Accounts was created by the 47 Geo. III. sess. 2, cap. lxxiv. s. 42 (loc. et pass.), which authorises the appointment of an Inspector of the accounts of the treasurer of the county of the city of Dublin, and of the collectors of the rates directed to be levied by that Act, and also of all Grand Jury rates in the county of the city by presentment; it places the election of the first inspector in the members of the then late Grand Jury, and directs, that whenever a vacancy shall occur in the office a new inspector shall be elected by the members of the presenting Grand Jury, which had sat next before such vacancy, in manner by the Act particularly described.

The Duties of this officer are pointed out by the 43*d* section of the same Act, and will be presently stated.

The provision made for the Salary of this officer by the 47 Geo. III. sess. 2, cap. lxxiv. s. 45, is that the Grand Jury may present, "at each Easter and Michaelmas term," "a sum not exceeding 50*l.*," in consideration of his labour and trouble in the discharge of the duties of the office. Under this power it appears that a presentment is made for this officer at each presenting term of 50*l.* for that term, and of 50*l.* for the next, or, as it is called, the accounting term; thus, in fact, this officer receives 50*l.* for each of the four terms, or 200*l.* per annum, instead of 100*l.*, as it appears to us, the legislature has provided.

The Collectors of the Grand Jury Cess were formerly appointed by the parochial authorities; they are now appointed by the term Grand Jury, for the several parishes of the county of the city, under the statute 33 Geo. III. c. 56, s. 7, and are removable by the Grand Jury at pleasure. There are nineteen parishes, and eight collectors are at present appointed, amongst whom the several parishes are apportioned as follows:—

MUNICIPAL
REGULATIONS.

One Collector to the Parish of	St. Mary.
One " " " " " " " " " "	St. Anne.
	St. Paul.
One " " " " " " " " " "	St. Bridget.
	St. Nicholas Without, and
	St. Nicholas Within.
	St. James.
One " " " " " " " " " "	St. Michael.
	St. Andrew, and
One " " " " " " " " " "	St. John.
	St. Andrew and
One " " " " " " " " " "	St. Werburgh.
	St. Thomas and
One " " " " " " " " " "	St. Michael.
	St. Mark.
One " " " " " " " " " "	St. Catherine, City Liberty, and
	St. Catherine, Thomas Court.
	St. Peter, and
One " " " " " " " " " "	St. Mary, Dennybrook.

It is provided by the 33 Geo. III. c. 56, s. 7, that the treasurer shall not deliver any warrant to any person appointed collector to empower him to collect, until he shall have entered into one or more recognizances, according to the number of parishes he shall be appointed to collect, before the lord mayor, to be acknowledged to the treasurer and to his successors, himself in 500*l.*, and two sureties, to be approved by the Grand Jury, in 250*l.* each, for the due discharge of the duties of his office.

Duties of.

The Duties of the Collector are prescribed by the statute, and are hereinafter noticed in our account of the mode of levying and accounting for the public money.

Emoluments of.

The Remuneration of the Collectors is provided by the 9th section of the 33 Geo. III. c. 56, which authorizes the grand jury, at Easter and Michaelmas terms, to present for each collector 1*s.* in the pound on the sum collected and paid to the treasurer by him since the last presenting term, provided he has strictly performed his duty in every respect, but not otherwise.

The sum presented at Easter term, 1834, to the collectors, for the collections made by them since the Michaelmas term preceding, amounted to	£770	4	3
And for collecting the Wide Street Tax, pursuant to 47 Geo. III. cap. lxxiv. during the same period, being, for one-half year	128	5	5
	£898	9	8

A sum, for the expenses of collection alone, which exceeds the entire amount of the Grand Jury assessments about sixty years ago.

It has appeared before us that losses have been sustained in consequence of the defaults of some of the collectors, and in particular of one, the collector of St. Mary's parish, who recently absconded. It did not appear that any proceedings had been taken to compel his sureties to make good his deficiency. Some proceedings of a criminal nature against the collector appear to have been contemplated, but were abandoned, as it was stated, from anticipated difficulties in procuring sufficient evidence.

Whether Collectors
should be appointed
by the Parishes.

Several of the citizens complain that the withdrawing of the appointment and control of the Collectors from the churchwardens has been the occasion of considerable fraud, and they desire that the appointment and control of such collectors shall be restored to them, or rather placed in the hands of the Vestries; while it is alleged, on the part of the Grand Jurors (an allegation sustained by the recitals of the 33 Geo. III. c. 56, and by evidence given before the committee on the local taxation of Dublin in 1823), that the appointment was transferred to the Grand Jury in consequence of the defaults and misconduct of the former parish collectors. We think, however, that a much more extensive reformation in the mode of imposing and collecting the several taxes of the city of Dublin is required than any that could be expected from the proposed change.

Presentment of
other Officers.

In addition to the above officers, whose salaries are altogether paid by presentments of the term Grand Jurors, there are several others to whom Presentments are made by the same body. The following is a summary from the presentment-sheet of Easter term, 1834, of all other presentments made to such officers, or which are in any way connected with the administration of justice, and have not been already mentioned:—

To secretary of wide street commissioners, for complying with the 47 Geo. III. cap. lxxiv. (See post, title "Wide Streets")	£23	1	7
To court-keeper of King's Bench, for one year's salary, due this term, pursuant to like	25	0	0
To crier of same court, for ditto, due this term, pursuant to like	20	0	0
To the coroners of the city, for inquests held by them, pursuant to 1 Geo. IV.	42	0	0
To Thomas Pettigrew, for stationery supplied for the use of the grand jury, pursuant to 33 Geo. III. and 47 Geo. III. cap. lxxiv.	97	5	3
To clerk of the crown for returns made by him to parliament, of prisoners committed, tried, and convicted of criminal offences	10	10	0
To same, for his fees on prisoners acquitted and discharged at commissions held in January, February, and April, 1834, pursuant to like and 23, 24 Geo. III. c. 34, and 49 Geo. III. c. 101	55	10	0

		MUNICIPAL REGULATIONS.	
To same, for same, on prisoners tried and convicted at said commissions, pursuant to like and 1, 2 Geo. IV. c. 77.	£54	5	11
To clerk of commission-court, for his fees on prisoners tried at said commissions, pursuant to like and 49 Geo. III. c. 101.		5	18 10
To sub-sheriff of city, for fees on prisoners tried in October, 1833, January, February, and April, 1834, and expenses attending executions, pursuant to like and 23, 24 Geo. III. c. 34, and 49 Geo. III. c. 101.		35	14 9
To the treasurer, so much expended by him in paying witnesses' expenses at commissions and sessions held since August last, pursuant to account, affidavit, and 55 Geo. III. c. 91.	188	17	10
To same, being so much paid by him to medical men for their attendance on coroner's inquests, pursuant to like and 10 Geo. IV. c. 37.	88	8	3
To same, being so much expended by him for stamps for drafts and receipts, and lord mayor's seals to warrants, pursuant to account, affidavit, and 49 Geo. III. cap. xx. (loc. and pers.)	92	14	5
To ditto, to housekeeper of the sessions-house, for supplying grand and petit juries with fires and candles, and cleaning court and jury rooms for six months, ending this term, pursuant to affidavit	10	0	0
To court-keeper of the sessions-house, for supplying grand and petit juries with paper, pens, and ink, and other necessities for said six months, due ditto, pursuant to like	10	0	0
To the clerks of the peace, for returns made by them to the lord lieutenant of prisoners tried and convicted of criminal offences and misdemeanors in Ireland, in the year 1833	31	10	0

By a reference to that part of this Report in which we have spoken of the prisons of the city of Dublin, and detailed the Emoluments of the Officers and Servants connected with them; and to that part in which we have stated the presentments made by the quarter sessions grand juries, and also to the above, it will be seen how much the taxation of the city is augmented by presentments to the several officers of the courts and prisons for fees on prisoners, and for the supply of necessities to the grand juries, and the performance of minor duties. We think it abundantly appears on the inspection of these presentments that this is a mode of providing for the payment of public officers that should be at once abolished; and that the principle of remunerating such officers by fixed salaries, which the legislature has already adopted in the several counties of Ireland, should be also applied to the county of the city of Dublin.

142. Besides the presentments above detailed, and those for the use of the prisons of the city, there are several Presentments for Charitable Purposes, and one for the rent of a house for the staff of the city of Dublin militia. Presentments for other purposes.

They are as follows, viz. :—

To the treasurer of the Charitable Infirmary, Jervis-street, for half a year's allowance, due ditto, pursuant to 45 Geo. III. c. 3, and 49 Geo. III. c. 56.	£100	0	0
To the treasurer of Mercer's Hospital, for ditto, due ditto, pursuant to like	100	0	0
To ditto, to the treasurer of the Hospital of Insurables, for ditto, due ditto, pursuant to like	100	0	0
To colonel of the city of Dublin militia, for half a year's rent of a house, No. 12, Temple Street, due 1st May, 1834, for the adjutant and stores of said regiment, pursuant to 10 Geo. IV. c. 29.	25	0	0
To a presentment to the Lords of the Treasury, being the proportion of the advance made by them from the Board of Health for the city of Dublin, pursuant to 58 Geo. III. c. 47.	1500	0	0
To Charles McCarthy, Esq. treasurer of the Dublin General Dispensary, for half a year's allowance, due this term, pursuant to account, affidavit, and 58 Geo. III. and 3 Geo. IV.	76	10	4
To the treasurer of the Sick Poor Institution, Menth Street, for ditto, due ditto, pursuant to like	88	19	6
To the treasurer of the Donnybrook Dispensary, for ditto, due ditto, pursuant to like	50	0	0
In addition to which this sheet contains several presentments to Overseers of roads, foot-paths, walls, sewers, and bridges, &c. at the south side of the city, amounting in the whole to	3596	1	0

There is also a joint presentment made in that term by the city and county grand juries of 553*l.* 8*s.* 7*d.* for the Wide Street Commissioners, to enable them to pay half a year's interest, due the 24th day of June, 1834, on the sum of 35,895*l.* 6*s.* 5*d.* advanced to them by the Lords of the Treasury, as per certificate, pursuant to the 47 Geo. III. cap. lxxiv. (Vide, post title "Wide Streets.")

The whole amount of the moneys presented by the grand juries of the sessions of Michaelmas, 1833, and of January, 1834, and by the grand jury of Easter Term, 1834, was 16,314*l.* 4*s.* 6*d.* exclusive of the joint presentment above-mentioned. When it is considered—that this is for one half year only, and that, in addition, the wide street tax is levied by the same collectors, and under the authority of the same warrants as the grand jury rates, and that it is, also, exclusive of arrears, whether solvent and to be collected under the old warrants, or insolvent and to be

Amount of all Presentments.

MUNICIPAL
REGULATIONS.Grand Jury Taxes,
how levied.

re-apportioned and collected from the solvent inhabitants of the respective parishes,—it becomes manifest that this single branch of the local taxes must press with great severity on the poor parishes of the city, which scarcely enjoy any benefit from its outlay; and it will be the less a subject of surprise that the grand jury cess should be the cause of considerable jealousy and complaint, when we state that the whole amount of this tax, for eleven years, commencing in 1764, and ending in 1774, was only 27,000*l.*, of which 9,800*l.* was for building bridges over the river Liffey, 3,000*l.* for building Newgate, and nearly 1300*l.* for transporting felons, an expense which is now borne by the Government, so that only about 13,000*l.* was, during those eleven years, expended on matters that are now the usual objects of Grand Jury presentments; and we may thus calculate the increase of Grand Jury taxation from the year 1774 to the year 1834, in round numbers, as an increase from 1,200*l.* to 32,000*l.* per annum.

143. The Grand Jury presentments of money to be levied off the city of Dublin are made, as before mentioned, by the grand juries of each of the four quarter sessions of the county of the city, and also by the grand juries impanelled in the Court of King's Bench, at Easter and Michaelmas terms, which are called presenting terms: all the terms are accounting terms. The sums presented at the two quarter sessions next preceeding Easter and Michaelmas terms respectively are returned to the treasurer of the city, who lays them before the term grand jury. They are also laid before the Court of King's Bench, with the other presentments; but the grand jury or Court of King's Bench do not appear to possess any control over them, save that they are apportioned amongst the several parishes of the county of the city, together with the moneys presented by the term grand jury.

The mode of making that apportionment is provided for by the 33 Geo. III. c. 56, as amended by the 47 Geo. III. cap. lxxiv. The 33 Geo. III. c. 56, s. 2, directs, that the grand jury shall, in Michaelmas term in every third year, or oftener if necessary, take an account of minister's money payable in each parish, and from thence form a table of the proportions payable by each parish respectively, and present the same as a fit table for apportioning the public money. This Act further (s. 4) directs the treasurer, within ten days after Easter and Michaelmas terms respectively, to applot, by said table, the public money on the several parishes; and insert such applotments in warrants, which the lord mayor is empowered and required to sign, and direct and cause to be delivered to the churchwardens of the several parishes, as had been from time immemorial accustomed. By the 47th section of the 47 Geo. III. cap. lxxiv, an important alteration is made as to the sums to be inserted in the warrants to the churchwardens; for it directs, that at every Easter and Michaelmas term, after the accounting affidavits, and the presentments authorising or empowering any overseers to expend any sums in executing any public works, shall have been filed by the court, the inspector of accounts shall make out an account for the city at large; in which he shall make the said city of Dublin the debtor for all sums that have been at former times accounted for and have not been demanded, and for the amount of all sums standing or being the first day of that term in the quare book for the said city at large, and that may be accounted for, and for the amount of all sums that were presented and filed that term; and shall give the said city credit for such part of the cash in bank as shall belong to the said city at large; and, after having struck the balance, shall apportion it, as near as may be, on the several parishes; and shall in like manner make out a separate account for each parish, adding to the debit side the proportion of the sum each parish is to pay, which was presented on the said city at large in that term; and, having struck the balance at the bottom of the account of each parish, the Grand Jury, on the last day of term, shall present these several balances to be raised on the several parishes, and shall at the same time lay before the Court the several accounts signed by the said inspector—provided that it shall be lawful to fiat all such arrears as the grand jury shall present to be levied on the district or parish where such arrears became due, in addition to the sum presented as the portion each district is to pay of the sums presented that term to be apportioned.

The result of this amendment appears to be, that, if the cash in bank to the credit of the city shall amount to more than sufficient to discharge all claims upon it, arising from presentments of previous terms, either then accounted for, or which may thereafter be accounted for, and from presentments of money made and filed that term, such surplus shall be deducted from the presentments made in that term, and that the balance only shall be apportioned on the several parishes, and inserted in the warrants to be made to the churchwardens.

The 33 Geo. III. c. 56, s. 5, enacts, that the minister and churchwardens shall, within fourteen days after receipt of the warrant, convene a vestry of the inhabitants of their parish, to applot and assess on the several solvent inhabitants of said parish their respective proportions of the public money: and in case the minister, churchwardens, and inhabitants shall, as notice from the treasurer, refuse or omit to assemble and applot, within the time so limited, the proportion of the public money which the said parish is to bear, on the solvent inhabitants, or shall neglect, or refuse to comply with, or carry into execution, any requisition which may be made to them by any grand jury, pursuant to the said Act, for the purpose of applotting and aiding in the collecting of the public money to be levied off the several parishes, it shall be lawful for the Court of King's Bench to fine such minister, churchwardens, or parishioners, a sum not exceeding 100*l.*, to be levied in the manner and for the purposes in said Act specified. The churchwardens are further directed, by s. 6, within six days after applotment made, to give notice thereof in writing to the treasurer, and to return to him a fair copy of the applotment; or, in default thereof, to be fined, as before, in a sum not exceeding 100*l.*; and the lord mayor is required, by s. 13, at the instance of the treasurer, within ten days after delivery of the applotments, to issue his warrants to the several collectors; which warrants shall continue in force respectively until the whole sums mentioned therein shall have been collected; and shall set forth the sums apportioned on the respective parishes, and any uncollected arrears of the last or any former warrant or warrants (which arrears the churchwardens are thereby em-

powered to re-appoint, and the said collectors to levy and collect), and also the original appointments returned by the churchwardens, or copies thereof: and any collector to whom any such warrant shall be delivered shall immediately proceed to collect the amount thereof from the inhabitants mentioned in the appointment.

The collectors are further directed by the 49 Geo. III. cap. xx., to pay to the treasurer, upon oath, on every Saturday in each week, or on the previous Friday if Saturday shall be a bank holiday, all such sums of money as they shall have received, for which the treasurer is to give them receipts; and if any collector refuse to comply therewith, he or his sureties shall for any such offence forfeit the sum of 50*l.* to be recovered in the Court of King's Bench as before mentioned.

The collectors are directed by 83 Geo. III. c. 56, s. 25, to close the accounts of their respective warrants four days before the assign-day of the next Easter or Michaelmas Term, and fully and fairly make up their accounts of receipts and payments, and of such disbursements as they shall necessarily make, and lodge such accounts, signed by them respectively, with the original appointments or attested copies thereof, delivered unto them as aforesaid, together with a list (s. 7.) of the delinquents of that warrant, and an account, verified by affidavit, of all sums received by them under the then warrant, and an account of arrears unpaid of any former warrants; and after they shall have got credit from the treasurer for such arrears, and for all payments made to the treasurer on account of the then warrants, or the arrears of any former warrants, they shall pay their balances respectively to the treasurer.

Such is the mode of appointing and levying the Grand Jury rates of the county of the city of Dublin, as directed by the Legislature. It has been shown in evidence before us, that very considerable injustice arises to some of the citizens from the conduct of the collectors in making out the lists as to arrears, in which, for the information of the Grand Jury, they distinguish between the Solvent and Insolvent Arrears: the solvent arrears are returned to the collectors with the new warrants to be collected from the individuals owing them, but the insolvent arrears, under the 47 Geo. III. cap. lxxvii., are presented over again to be re-appointed on the parish. The insolvent arrears frequently amount to very considerable sums. It appears that houses are frequently returned in the insolvent list which belong to persons not insolvent, and in which property could be found to discharge the tax. In the instance of Mary's Parish an arrear is alleged to have been occasioned, not alone by incorrect returns of insolvents, but also by a falsification of the appointment-books, which being either in the hands of the collectors or of the treasurer, the parishioners had no means of detecting such frauds. Houses let to poor lodgers are also generally returned as insolvent, though the proprietors are wealthy, and exact the weekly rents from their tenants with the utmost strictness.

Solvent and Insolvent Arrears.

It is suspected by the rate-payers that such parts of the arrears as may be collected are not always duly accounted for; and it would appear that the circumstance, of the new warrants containing sums sufficient to discharge all existing claims on the rates without having recourse to the arrears, affords a facility for practices of this description. These several matters, with respect to arrears, are made the subject of very general complaint by the citizens, particularly by the inhabitants of the poorer parishes with regard to the insolvent arrears, where of course a very great burden is thrown on the smaller number of solvent inhabitants, which, with more justice, should be divided amongst the citizens at large.

Another ground of complaint as to the appointment of the taxes is, that the money is apportioned according to the amount of Minister's Money charged upon each house, which, in consequence of the scale according to which minister's money was originally imposed, as well as the altered value of houses since the making of the valuation at present acted on, renders the minister's money a very fallacious Test of the proportions in which houses should contribute to the public burthens. This subject will be presently more fully noticed in reference to the new valuation of the city.

Minister's Money a defective Test.

The most serious defect in the assessment of the public money arises from the limited extent of territory upon which the taxes are apportioned; that part of the county of Dublin within the Circular Road being, by the Police Act, made part of the county of the city, for the purpose of giving the Magistrates and Courts jurisdiction in criminal cases, and thus, to a very considerable amount, increasing the Grand Jury rates of the county of the city, while it continues exempt from bearing any part of the expense thus occasioned.

Parts of County within the Circular Road exempt.

144. The mode of keeping, disbursing, and accounting for the Public Money is as follows: the treasurer, on receipt from the collectors on each Saturday, is directed, by the 49 Geo. III. cap. xx. s. 11, to pay same into the Bank of Ireland on or before the Monday following, for which the cashier of the bank is to give him his receipt; and, by the 24th section of the 33 Geo. III. c. 56, if he retains in his hands the sum of 100*l.* or more, for two days after the time he should pay in the same, the bank being open and ready to receive it, he forfeits, and is bound to pay, as an addition to the public money, the sum of 10*l.* for every day he so retains the said sum of 100*l.* or upwards; and on the first day of each term the treasurer is, by the 49 Geo. III. cap. xx. s. 12, obliged to make oath of the sums received by him from the collectors. The money is paid out by the bank upon drafts drawn in favour of the persons, or their order, entitled to receive it. Such persons are those who have accounted for the expenditure of money presented for public works, or to whom presentments of money have been made and listed by the courts. The draft is made out by the inspector of accounts, pursuant to the 47 Geo. III. cap. xx., on or before the last day of term, and produced by him to the treasurer of the Grand Jury. Such drafts must be signed by the foreman, and be delivered by the inspector to the treasurer, to be by him delivered to the person or persons in whose favour they are drawn.

Public Money, how kept, disbursed, and accounted for.

The inspector of accounts is directed by the 47 Geo. III. cap. lxxiv. to call on the cashier, or other proper officer of the bank, for the account of the treasurer, signed by that officer, on the assign-day of each term, and which that officer is thereby directed to give on demand, and which

MUNICIPAL
REGULATIONS.

account the inspector must then compare with the treasurer's books and vouchers; and having ascertained what part of the balance in bank to the credit of the city belongs to each parish, shall, on the first sitting-day of term, lay such account before the Grand Jury, and shall personally attend at the Court of King's Bench on the first sitting-day, if not prevented by illness or unavoidable accident, and if so prevented shall depute and send in his place a person, for whom he shall be answerable, to receive all affidavits to ground presentments, which he shall examine, and report any errors therein; and he shall examine all affidavits accounting for the expenditure of money that shall have been delivered to the Grand Jury, and after having received from the clerk of the crown the affidavits on which the presentments so accounted for were grounded, he shall annex the grounding and accounting affidavits together, audit and compare them, and lay them before the Grand Jury with all convenient speed, together with any remarks that may occur to him, to be examined by the Grand Jury, and allowed or disallowed by them; and all such affidavits, together with the presentments that the Jury shall make, shall be laid before the Court of King's Bench on the sitting-day next but two before the last day of term; and all such accounts and presentments shall be returned by the clerk of the crown to the inspector, who is then to make out the drafts as already described, and the inspector is then afterwards, on the last day of term, to deliver to the clerk of the crown all such affidavits and accounts as he shall have received from him and from the Grand Jury, together with the city accounts, to be preserved amongst the records of the office.

The treasurer, as already mentioned, is, on the first day of each term, bound to lay his accounts, on oath, before the Grand Jury; and he is then also to produce the receipts of the overseers whose accounts were allowed, and also the receipts of the several persons to whom any moneys were presented to be paid, and which were allowed by the Court, on the drafts of the inspector, in cases in which the money has not been demanded.

In addition to these several checks provided by the Legislature for the officers who have the management of the public funds, the Grand Jury each term appoint a committee of accounts, consisting of five members, who examine and vouch the treasurer's accounts.

The examination of the accounts of the treasurer by the inspector occupies that officer but a few hours, and it would appear to us that the duties performed by the inspector could be discharged by the secretaries of the Grand Jury without much addition to their official duties.

Power of traversing
Presentments.

It was enacted by the 3d and 4th sections of the 29 Geo. II. c. 14, that no Presentment in the Court of King's Bench for raising money should stand absolutely confirmed until the sixth day of the following term, and that the grand jury presentments should be posted up in the Court of King's Bench the first five days of the term next following such presentment "to the end that all persons concerned may have notice thereof, and object against or traverse the same as they shall think convenient, in like manner as hath been heretofore used."

This power of traversing presentments seems now regulated by the 33 Geo. III. c. 56, *sec.* 56, which does not contain any provision for posting the presentments as required by the 29 Geo. II. c. 14. It enables any person who shall think himself aggrieved by a presentment to enter a traverse to it, either in the term in which it shall be made, or within eight days next after the last day of that term, but requires the person traversing to give security to pay double costs in case the jury shall confirm the presentment. This section provides, that if the jury shall not confirm the presentment, it shall not be lawful for any overseer to proceed to execute it; a provision which seems to imply that the power of traversing here given is confined to cases of presentments to be carried into effect by overseers—such as presentments for roads, &c.

There is now, in fact, no public notice given of the presentments until they are read in court; and, of course, no opportunity given to the citizens to consider their propriety, so as to be enabled to enter traverses in proper time.

Annual Amount of
Grand Jury
Presentments for Four
Years.

The Annual Amount of the Term and Quarter Sessions Grand Jury Presentments of each of the four years ending at Michaelmas term, 1834, is as follows:—

	Term Grand Jury.			Sessions Grand Jury.			Total.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
Presentments for 1831 . .	26,235	14	5	3,427	6	8	29,663	1	1
" 1832 . .	28,063	5	0	3,488	10	1	32,151	15	4
" 1833 . .	29,780	4	0	3,187	2	0	32,967	6	0
" 1834 . .	30,528	8	6	3,454	7	2	34,982	15	8

COMMISSIONERS
OF WIDE STREETS.

145. The Commissioners of Wide Streets of the city of Dublin were originally established under the Statute 31 Geo. II. c. 19, for making a wide and convenient way from Essex Bridge to the Castle of Dublin.

Statutes relating to,
31 Geo. II. c. 19.

For this purpose certain persons nominated by the Act, together with the lord mayor of the city for the time being, were constituted commissioners; and it was provided that they, and the survivors of them, or any five or more of them, might proceed to carry on the specified work. To enable them to do which, they were by the Act invested with powers of purchasing by private agreement, or of obtaining possession of, by compulsory proceedings, under the valuation of juries, such premises as might be necessary for the purpose.

The Act enabled the commissioners to appoint a treasurer and clerk, and to make them reasonable allowances; and on the death of any commissioner, or his refusal to act, authorised the surviving or remaining commissioners, or any five or more of them, by writing, under their hands and seals, from time to time, to appoint others in their room.

The Act further provided, that if at any time thereafter any sums of money should be granted by parliament for or towards the widening and rendering more convenient any other ways, streets, or passages, within the city of Dublin, or liberties adjoining, that the commissioners

or the survivors of them, together with such other persons as the lord-lieutenant or other chief governor should appoint, or any five of them, should have and exercise all such powers and authorities, in respect of widening and rendering more convenient all such ways, streets, and passages, for which any sum of money should be so granted, as the said commissioners were by the said Act entitled to have and exercise for the purposes therein specified.

This Act was afterwards amended by the 33 Geo. II. c. 15, which empowered two commissioners to issue the precept for summoning juries and to discharge them, and to sit and act in all matters to be tried by a jury, with as full powers as five might by the former statute have sat or acted; five being still necessary for other purposes.

These Acts were further amended by the 7 Geo. III. c. 7, which made provision for the disposal of moneys arising from the purchase by the commissioners of parts of the estates of ecclesiastical corporations, and adds the members of parliament for the city of Dublin for the time being to the commissioners appointed by the former Act.

By the 17, 18 Geo. III. c. 27, a sum of 5,000*l.* was granted to the commissioners, to be applied by them in widening the approach from the castle to the Parliament-house; but no permanent funds were placed at their disposal until the Act of the 21, 22 Geo. III. c. 17, granted to His Majesty a duty of 1*s.* per ton upon all coals imported into Dublin, to be paid to the commissioners appointed by the 31 Geo. II. c. 19, to be by them applied, after payment of the salaries of a secretary and clerk (the salary of secretary not to exceed 200*l.* a year, and that of clerk not to exceed 50*l.*), and of the expenses of the Act, in the first place, in making one or more convenient streets from the castle to the Parliament-house, in aid of the sum of 5,000*l.* theretofore granted for this purpose, and afterwards to the making or widening such other ways, streets, or passages through the city, for the improvement of the city, as the commissioners, or any nine or more of them, should appoint; or in widening the several roads and approaches to the city within two miles of the same to such breadth, not less than one hundred feet, as they or any of them should direct.

This Act further enabled the commissioners to make assignments, from time to time, of the coal duty and the moneys arising therefrom to persons who might contract for the several works, until they should be paid the amount of the sums contracted to be paid to them, with interest.

This Act, having been passed for a limited period, was afterwards revived and amended by the 23, 24 Geo. III. c. 31, and afterwards, by the 49 Geo. III. c. 72, and 51 Geo. III. c. 10, continued to the 25th of March, 1832, when it was permitted to expire, and the duty ceased.

The commissioners were empowered by the 23, 24 Geo. III. c. 31, to borrow money on the credit of the duty, and to issue debentures payable out of the produce thereof, with interest not exceeding 6 per cent.; or to mortgage or demise the duty as security for the sums borrowed—and, with the consent of the inheritor of the land, to take possession of any premises for the purposes of opening any new streets, notwithstanding existing interests for terms of years, giving one month's notice to the person entitled, and impaneling a jury to value the interest, with like powers as for any street the widening &c. of which money had been granted to the commissioners.

By this Act it was provided that the non-attendance of any commissioner at the meetings of the board for a period of six months should vacate his office, and that a new commissioner should be appointed in his place.

The 26 Geo. III. c. 32, afterwards gave powers to the commissioners to take possession of premises valued, and for which the sums assessed had been either paid to the person entitled, or into chancery, according to the provisions of the former Acts, when the possession was withheld, and it prescribed the mode of doing so. It also empowered the commissioners to order any street to be stopped up, giving reasonable notice thereof, and making compensation to parties injured thereby, according to the valuation of a jury impanelled for the purpose of inquiring into the injury.

This Act further provides that three commissioners shall be sufficient to do all acts for which fee were required by former Acts, and nine where twelve, and extends their jurisdiction to all places within the circular road, which limits were afterwards by 32 Geo. III. c. 30, further extended to half a mile beyond that road.

The Act of the 21, 22 Geo. III. c. 17, was afterwards further amended by the 30 Geo. III. c. 19, which, after reciting that the commissioners had borrowed a sum of 47,500*l.* upon debentures chargeable upon the coal duty, with interest at the rate of 5 per cent., enabled them, for the purpose of paying off that sum, and to carry on further works, to borrow upon debentures any sum not exceeding 100,000*l.*, at interest not exceeding 4 per cent., and made such debentures as the commissioners might issue a charge upon the coal duty, and thereby, and by the 31 of Geo. III. c. 45, provision was made for their payment.

This Act further enabled the commissioners, if any three of them should deem it expedient, to widen any narrow street where there are waste grounds, or houses going to decay; to value, by a jury, the interests of the several persons in the street, and upon application in writing, by the persons owning, or entitled to two-thirds of the front, or either side of the street, and to assess and apportion the whole amount of the valuation on all the owners or proprietors of the ground to the fronts upon both sides of every such street, and in rateable proportions, according to the number of feet running measure which every owner, &c. should have; and in case any owner or proprietor should neglect to pay to the commissioners the sums apportioned upon him within six months from the date of apportionment, it enabled the commissioners to sell and assign the sums so apportioned, and which the owners, &c. had refused to pay, to any persons who would advance the money, and to apply the money so raised in the purchase of such parts of the street, &c., as should be necessary for opening or widening it.

The Act further provided for the reimbursement of such persons as might advance money on

MUNICIPAL
REGULATIONS.

the security of the sums apportioned and refused to be paid by the owners of the premises, by charging the amount of them, with interest at 6 per cent., upon the premises of such owner in the street, with same security as a mortgage, and enabling the persons advancing money upon them, if not paid in four years, to levy the amount, with interest, by sale of the premises under a decree of a court of equity, upon a bill filed, as if mortgages of the interest.

36 Geo. III. c. 54.

The commissioners' powers of selling or demising premises, acquired by them under the above Acts, were afterwards, by the 36 Geo. III. c. 54, limited and declared to extend only to the demising, selling, or granting such piece, or pieces of ground, over and above what might be necessary for making wide and convenient streets as should be in their possession at the time of such demise, sale, or grant, and all covenants and agreements made by the commissioners for demising, selling, or granting any piece or pieces of ground not actually in their possession at the time of such covenant or agreement were declared void.

39 Geo. III. c. 53.

The commissioners having, under the powers given them by the 30 Geo. III. c. 19, borrowed the sum of 77,400*l.* upon debentures chargeable upon the coal duty, and that fund proving insufficient to discharge the sum borrowed, and to execute the purposes of the Act, it became necessary to provide further funds for those purposes, and the Act 39 Geo. III. c. 53, was passed, whereby the owners or occupiers of all houses within the city of Dublin and the limits of the circular road were obliged to take out a licence to play at cards in the house, and to pay for such licence certain duties; a further duty was imposed upon persons frequenting clubs, houses; the amount of sums raised by such duties was vested in the commissioners of wide streets, and they were directed to appropriate the same, in the first place, towards the making a convenient communication from Carisle Bridge to the Parliament-house, and, in the next place, to the opening a convenient communication from Carisle Bridge, along the river Liffey, to White's Lane, or George's Quay. To complete these works the commissioners were empowered to borrow a sum of 28,985*l.* 19*s.* 7*d.* upon debentures charged upon the above duties, and payable with interest at the rate of 5 per cent.; but it being found more convenient afterwards to raise such sums by treasury bills, it was, by the 40 Geo. III. c. 60, a. 15, provided that the commissioners of the treasury might borrow this, together with a larger sum, then about to be raised for other purposes, upon bills payable at the treasury, and hand the said sum to the commissioners of wide streets, who should, half yearly, out of the duties, make provision for the payment of the interest, and for the principal, if not renewed; and for the purpose of securing such provisions, the duties were, by the Act, charged with the payment of the treasury bills, and, in case of defaults in payment at the Exchequer by the commissioners, the duties were from thenceforth to vest in His Majesty.

40 Geo. III. c. 61.

The Act of 39 Geo. III. c. 53, was afterwards amended by the 40 Geo. III. c. 61, in some of the details of the proceedings; one commissioner being enabled to sit and act in all matters to be tried by a jury under it; and the commissioners were empowered to issue debentures, chargeable on the coal duty, for the sum of 22,000*l.*, being the remainder of the sum of 100,000*l.* which they were, by the 30 Geo. III. c. 19, entitled to raise, payable with interest, at the rate of 6 per cent., to be applied by them to the same purposes as the sum of 77,400*l.* already raised under it.

47 Geo. III. cap.
xxviii.

Further improvements in the city being considered necessary, and the funds placed at the disposal of the commissioners being quite inadequate to the execution of them, the Local Act, 47 Geo. III. cap. xxviii., already noticed in our account of the grand jury taxation, was passed; which enacted, that all the powers and provisions of the former Acts should be extended to the carrying the new works into execution, pursuant to a map or plan theretofore made, and deposited with the clerk of the peace; and that the commissioners of wide streets, or any three of them, might proceed therewith; and, to enable them so to do, it was provided, that whenever the commissioners had caused a valuation to be made of any premises necessary to be taken possession of for the purposes of the improvements, that a copy of the inquisition and finding of the jury should be laid before the Court of King's Bench, on the first sitting-day of Easter or Michaelmas term; and that the court should charge and direct the grand jury of the county of the city, and the grand jury of the county of Dublin, to assemble together; and that it should be lawful for them, or twenty-four of them, and they were by the Act required, to present the whole amount of such findings; and that the sums so presented should be raised by two equal instalments, one in Easter term, and the other in Michaelmas, from all the houses and other buildings in the district of the metropolis; and for this purpose, that the said houses might be assessed, respectively, with any sum not exceeding 1*s.* in the pound in the year, on the value of the houses, as valued for the maintenance of the watch establishment.

The Act further directed, that the treasurers of the grand juries, respectively, should include the sums so presented in their warrants delivered to the collectors; and that the collectors should pay the sums, from time to time, as collected, into the Bank of Ireland, to the credit of the commissioners of wide streets.

The collectors were by the Act further required, seven days before the sitting-day of Easter and Michaelmas term, to return to the treasurer of the grand juries respectively, correct list of the persons by whom the rates, or any part thereof, remained unpaid; and that the treasurers should lay them before the grand juries, who should have power to act, with respect to such arrears, as in respect to arrears of other moneys by them presented.

The commissioners were further by the Act directed to keep separate accounts of moneys levied by virtue of this Act; and that they should not apply the same, or any part thereof, to any other purpose than those specified in the Act, nor any of the moneys levied under former Acts to the purposes of this.

The Act enabled the commissioners to borrow any sum of money not exceeding 100,000*l.* upon the credit of the rates, payable with interest not exceeding six per cent.; and to mortgage

the rules for securing the repayment, in manner specified in the Act, which contains a short form of mortgage, and an assignment thereof, for the purpose; and provides for the payment of the interest, by directing that the secretary of the commissioners should, on the first day of Easter and Michaelmas terms, lay before the Court of King's Bench the amount of interest due; and that the court should direct the grand juries to present the whole amount of such interest, to be levied in the same manner as the sums presented under the findings on the inquisitions.

The Act further directs, that any surplus of the sums so raised at any time should be applied in the reduction of the principal; and authorizes the grand jury of the city to present 50*l.*, and that of the county 30*l.*, a year, as salary to the clerk of the commissioners.

By a subsequent Act, also local, 57 Geo. III. cap. xxxix., all the powers of the former Acts were extended to the making further improvements in other parts of the city therein specified; the members of parliament for the county of Dublin, for the time being, were added to the board of commissioners; and they were authorized to sue, and defend suits, in the name of their clerk or secretary.

The same powers were afterwards extended, by the 11 Geo. IV. cap. ex. (local and personal), to certain other intended improvements, also specified in the Act, provided they should be commenced within seven years from the passing of it (17th June, 1830); and it was declared, that the commissioners should not be bound by the finding of any one jury, but might, if they considered the sums found excessive, have the premises valued by a new jury; they indemnifying the persons to whom the finding had been made, all such reasonable costs as they had been put to, in substantiating their claims before the commissioners and jury on the rejected valuation.

146. Under the provisions of these several statutes, the present Board of Commissioners for making wide and convenient streets in the city of Dublin is constituted. It consists of Twenty-five Members—viz., the lord mayor of the city of Dublin; twenty individuals appointed by the Lord Lieutenant for life, being the number originally appointed by the 31 Geo. II.; and the members for the city and county of Dublin, who were added by the Acts of the 7 Geo. III. c. 7, and 57 Geo. III. c. 29, above mentioned.

The twenty commissioners, not official, vacate their offices under the provisions of the 23, 24 Geo. III. c. 31, by not attending at the meetings of the board for six months.

No Qualification of residence, or otherwise, is necessary in the persons elected; but all the present commissioners are resident in Dublin, or in the neighbourhood.

The Board meets, generally, every Wednesday; and the attendance is very variable. Three are sufficient to act: they have no salary or emoluments.

The Officers are a Secretary,
Clerk,
Engineer,
Law Agent, and
Treasurer.

Number, &c. of Commissioners.

Qualifications of Meetings of Board.

Officers of.

The Secretary's duties are, at present, confined to the making up the accounts of the coal-fund, and closing them, in consequence of its discontinuance in 1832. Though the duty has ceased, the account is kept open in the books of the commissioners, under the head of the "Coal Duty Fund," there being some premises purchased by the produce of the duty not yet disposed of. He attends the meetings of the board.

Secretary.

His salary is 184*l.* 12*s.* 4*d.* a year.

Two persons, at present, hold the office of Clerk, jointly. They do all the duty in respect of the present funds of the commissioners, control the receipts and expenditure, conduct the proceedings, in procuring valuations by jury, and contracts for works, and in fact are also secretaries.

Clerks, Duties of.

Their salary as clerk is 184*l.* 12*s.* 4*d.*; and they have also allowances, viz.—

For office rents	£23 1 6
For a messenger	9 4 8
For fees on superintending sales of rents, auctions of materials, agency on receipt of rents, &c., amounting together to	52 14 14

They also receive annually 50*l.* presented by the grand jury of the city of Dublin, and 30*l.* by the grand jury of the county, under the 47 Geo. III. cap. lxxix. as above mentioned.

They also discharge the duties of civil engineer, for which they receive a salary of 210*l.* a year.

The amount of the several sums paid annually to these officers, under the above heads, is 533*l.* 9*s.* 8*d.*

The duties of the Civil Engineer are to lay out the intended improvements, to make plans and estimates, and to inspect the works as they proceed. The salary is above mentioned.

Engineer.

The governors of the Bank of Ireland are Treasurers, and all moneys are paid into the bank to the credit of the commissioners.

Treasurer.

The Law Agent performs the usual duties of a solicitor and attorney to the commissioners, and is reimbursed in the ordinary manner of attorneys, by payment of his bills of costs.

Law Agent.

The amount of them is very large; the sums paid on account of them in the seven years prior to 1833 were,—

Costs.

MUNICIPAL
REGULATIONS.

	Under the head of Coal Duty.			Under the head of Wide Street Tax.			Total.				
	£.	s.	d.	£.	s.	d.	£.	s.	d.		
1827 ..	791	2	7	..	424	5	5	..	1,215	8	0
1828 ..	1,617	2	7	..	292	0	2	..	1,909	2	9
1829 ..	1,018	2	8	..	120	17	10	..	1,139	0	7
1830 ..	1,223	9	0	..	656	14	4	..	1,880	3	4
1831 ..	481	9	5	..	657	18	10	..	1,139	8	3
1832 ..	1,289	12	10	..	643	3	8	..	1,932	16	6
1833 ..	160	3	9	..	255	3	8	..	415	7	5
	£5,581	2	10		£3,050	3	11		£9,631	6	9
Making on an average 1,375 <i>d.</i> 1 <i>s.</i> 1 <i>d.</i> a year.											

Making on an average 1,375*l.* 18*s.* 1*d.* a year.

The above sum of 9,631*l.* 6*s.* 9*d.*, paid to the solicitor, is exclusive of a number of other charges which appear in the accounts of the Commissioners, and which may properly be considered to belong to the head of costs, though entered in the accounts under different heads. These, with the amount paid on account of them during the same seven years, are as follows:—

Compensation to Juries	£1,789	4	0
Counsel's fees	437	13	0
Clerk of Crown's fees	75	14	10
Sums paid to witnesses, &c.	310	5	0
Advertising	853	11	1
	£3,466	7	11

These items, together with the above sum paid to the solicitor, make the amount of law expenses during those seven years 13,097*l.* 14*s.* 8*d.*, or on an average 1,871*l.* 0*s.* 10*d.* a year.

This sum appears very large, but not having had an opportunity of examining the bills of costs, we cannot say whether the expense was necessarily incurred or the charges reasonable in amount.

Some deeds of conveyance, however, of premises, both to and from the Commissioners, were before us, which ran, as we think, in their recitals to very unnecessary length; and it appeared that the concise form of mortgage of the rates prescribed by the Act of Parliament had not, in all cases, been adopted.

Payments to Jurors. The large sum of 1,789*l.* 4*s.*, charged as Compensation to Juries, originates in a practice some time since adopted, and now sanctioned by a resolution of the Commissioners, of paying a guinea a day to all the jurors on the inquisitions. This practice was adopted in consequence of the findings of the juries, who previously served without recompense, being considered very much beyond the value; and it is stated that the public are much benefited by the change, the attendance of a more respectable class of jurors being thus secured, and a necessity of so frequently rejecting the findings prevented.

We had not the means of forming an opinion whether such reasons are sufficient to counter-balance the risk of abuse to which the practice is exposed, there being no control over the sheriff in making up the panel; and it certainly is a practice not sanctioned by any Act of Parliament.

Funds. 147. The only Funds which the Commissioners have at their disposal, since the coal duty ceased in March, 1832, are,—

1. Rents. 1st. The Rents of certain premises purchased with the produce of the duty, for the purpose of making improvements, and not yet disposed of. These amount to the sum of 56*l.* 6*s.* a year.

2. Balance of Coal Duty. 2d. A sum of money remaining in bank, being the balance on the account of sums levied for that duty and not yet expended.

This balance, when the duty ceased, was not of any considerable amount, and, much of the expenses of the establishment which the rents would not extend to pay having been cast upon this fund, it is now almost, if not entirely exhausted.

3. Wide Street Tax. 3d. The Wide Street Tax, being a tax levied under the 47 Geo. III. cap. lxxix. above mentioned, upon all houses in the city and suburbs, and bearing a certain proportion to the watch tax. This tax produces from 5,100*l.* to 5,500*l.* a year; but complaints are made by the commissioners of Wide Streets of the manner in which it is collected, and they seem to think that it might be made much more productive.

The Act directs, that the Grand Jurors of the county of the city and county of Dublin should, by requisitions signed by their treasurer respectively, require the proper officer to furnish to the said treasurer, within twenty days after the end of each term, true and correct lists of all houses or other buildings within the district of the metropolis which then were or thereafter should be liable to be rated towards the maintenance of the watch establishment of the city, and of the valuations according to which such houses or other buildings then were or thereafter should be rated towards the maintenance of that establishment; and also yearly and every year during the continuance of any such half-yearly rate, by like requisition, to be made two calendar months before the sitting-day of Easter term, to require the said officer to furnish to the treasurer respectively, within twenty-one days before the sitting-day of Easter term, true and correct lists of all such houses and other buildings within the respective counties as may have been valued under the authority of any Act of Parliament for regulating the police establishment of the said district, or of any other law subsequent to the then last return made presen-

ant to this Act; and the said officers were thereby respectively required to transmit to the said treasurers respectively, at the respective times, such lists and returns verified by affidavit; and the Act provides that the said treasurers, respectively, shall make the rates by such lists, and deliver the same to the collectors, who shall collect and account for the same.

By the 23d section, the Grand Jury of the county of the city is empowered to present a sum of money not exceeding 100*l.*, and the Grand Jury of the county any sum not exceeding 50*l.*, at each Easter and Michaelmas Term, for their respective treasurers and secretaries, in such shares as they shall think proper, in consideration of the trouble and expense of the said treasurers and secretaries in making out the said lists and returns, and in drawing and entering the presentments and making out books of collection.

The Commissioners of Wide Streets having obtained abstracts of the Accounts of the Collectors of the Wide Street Tax, showing the arrears, both solvent and insolvent, and returns of the collectors of the watch tax, distinguishing also the solvent and insolvent arrears, have found that the arrears of wide street tax, returned as insolvent, bear a much larger proportion to the sums levied under that tax than the arrears of watch tax to the sums levied for the same period, though the Act imposes the wide street tax upon the same houses, and directs the collection to be in the proportion of 1*l.* in the pound on the value as assessed for the watch tax.

The commissioners complain that there is no investigation of the collectors' returns of insolvent arrears; but that the collectors having made oath of the correctness of their returns, the arrears appearing upon them as insolvent are struck out of the collection without further inquiry, and not afterwards claimed. They state, also, that the collectors have been accustomed to include in their returns of insolvents' arrears the amount of the assessments upon certain houses, whose owners are perfectly solvent, but who consider themselves exempted, and are so admitted by the collectors, as holding certain city and parochial offices, and, as such, not liable to the payment of the tax; and they state, that there is no examination of the lists, or of the collection, which continue to be made, year after year, by the same persons whose affidavits are taken as conclusive and satisfactory, without any check or investigation, though the commissioners have made complaints on the subject to the city grand jury.

With respect to the collection in that part of the metropolis which lies in the County of Dublin, the Commissioners state, that they have made application to the grand jury, but have not been able to obtain such documents from them as would enable them to examine into the mode of collection; but they state, that it appeared by books submitted to their inspection by the treasurer of the county, and purporting to be the applotment of the houses in the county of Dublin, subject to wide street tax, that the applotment contained in it was made in the year 1813, and that it appeared by memorandums in it, signed by the treasurer, that additions were made to the list on the 27th May, 1815, 5th June, 1816, and 20th May, 1820, after which time no additions appeared to have been made; and, as the treasurer stated that this book contained the applotment upon which the collection was then made, they complain that the provisions of the 22d and 23d sections of the Act above mentioned (47 Geo. III. cap. lxxiv.) are not complied with, and that by reason thereof houses are not regularly brought into charge when they ought.

The applotment on the county district of the metropolis has continued for the last ten years, each Easter and Michaelmas term, as follows:—

Coolock Barony	£330 5 9
Donore	85 14 2
St. Sepulchre's	133 13 3
St. Patrick's	13 12 0
Newcastle	4 5 2

The sum paid by the collector of Coolock Barony has been 240*l.* each term, without any variation, since Michaelmas, 1826, leaving the same sum, 90*l.* 5*s.* 9*d.*, each term as the amount of insolvent arrears. The collector of Newcastle has not paid any thing for several years, alleging that the owners of houses there many years ago effectually resisted the payment of the tax in that district; warrants have been regularly issued each term since for the collection of the above sum, but no levy has been made.

It appears, we think, that the mode of collection of this tax has not been under such control of the Commissioners of Wide Streets as it should have been, and that the Commissioners have not sufficient, or indeed any, means or opportunity of checking and regulating the collection of the tax, which is now almost their only source of revenue.

The termination of the coal duty and failure of all funds derived from that source of income, upon which the entire expense of the establishment has hitherto been cast (the wide street tax being by the Act allocated to specific purposes), make it quite indispensable that some change should be made in the powers of the Commissioners, if the establishment be continued. The following is a tabular abstract of the accounts of the Commissioners, containing a statement of their income and expenditure for the seven years from 1827 to 1833, distinguishing those relating to the coal duty from those on foot of the wide street tax.

Collection of Wide
Street Tax.

Expenditure.

By this statement it will be seen that the balance of the sums received on account of coal duty remaining in the hands of the commissioners, at the end of the year 1833, was but 1,023*l.* 1*s.* 9*d.*, and is now probably quite exhausted.

The only observations which the particulars of the expenditure seem to require have been already made in speaking of the solicitor's costs.

The interest payable to government is upon a sum of 35,895*l.* 6*s.* 5*d.*, which was borrowed from individuals upon the security of the wide street tax, payable with interest at 6 per cent. Government afterwards advanced money to pay off the debt at 3 per cent., and a sum of 558*l.* 8*s.* 7*d.* is presented by the grand juries of the county of the city and county of Dublin at each Easter and Michaelmas term to pay the interest.

These sums, together with the others, presented as instalments, of the sums found from time to time by the valuation juries pursuant to the Acts, amount annually to from 5,100*l.* to 5,500*l.*, being the full amount of 1*s.* in the pound on the value of houses, according to the valuation of the watch tax establishment in the city, the maximum of the rate which the commissioners are empowered to levy.

Some of the improvements, specified in the several Acts of Parliament, have been long since completed, some are still in progress, and others are yet in contemplation.

The taxes we have mentioned, and some other local charges on the city of Dublin, the chief of which is the pipe-water rent hereinafter noticed, are assessed in certain proportions on the houses in the city, chiefly in reference to the charge called Minister's Money. We have specified some of the proportionate rates in our account of the watch tax, paving tax, &c. It is usually computed that each house, under the various assessments for local taxation, is liable to taxes in the proportion of 1*l.* to each shilling of the minister's money at which it is rated. Thus, a house rated at 10*s.* minister's money, is computed to be liable in the whole to 10*l.* a year for this and the other objects of local taxation. This is in fact rather higher than the exact amount; but it shows the effect of the principle hitherto adopted. To that principle very serious objections apply, and have been repeatedly urged whenever the local taxation of Dublin has been made a subject of consideration.

The charge for minister's money was first established in the year 1665, by the Irish statute, 17, 18 Car. II. c. 7.

This statute enables the lord-lieutenant, or chief governor, and six members of the privy council of Ireland, to allot any sums to be paid to the respective incumbents within the city and suburbs of Dublin, and liberties thereto adjoining (and other cities and towns corporate), who have acted cure of souls in each parish, out of each house and houses belonging to the parish, whether by apportioning the said money and payments according to the yearly value of each house or otherwise, so as the same exceed not twelve pence for every pound of the yearly value of each house—such yearly value to be intended as the same shall be valued on oath by persons to be authorized by commission under the great seal, by direction of the lord-lieutenant, &c. for the time being; in which valuation, if it shall happen that any house shall be valued above 60*l.* per annum, yet the commissioners are to return such house, but at 60*l.* per annum.

Under this statute, valuations have been made from time to time in the several parishes; and on those valuations the rates of other local taxes are founded. Many of these valuations are of very early date, and were made in some of the parishes, when they in fact were the chief residences of the better and more opulent classes. Changes of times and fashion—the natural decay of buildings—and the progress of improvement in more modern parts of the city—have produced in almost all the ancient districts a gradual deterioration in the value of the houses, and a serious change for the worse in the condition and ability of the classes which inhabit them. The valuations for minister's money remain, however, unchanged; and it in consequence happens that the utmost inequality of taxation prevails throughout the city, especially in the ancient and most impoverished districts. The pressure of this inequality has a tendency to aggravate the evil which produces it, and to depress still lower the value of property thus encumbered.

From the excessive valuations for minister's money, many houses are rated for taxes on a scale which their occupiers are quite unable to discharge, and, nominally presenting a large assessment, they are really unproductive.

The mischief and injustice of this system have been long complained of, and at length, in the year 1824, on the recommendation of the committee of the House of Commons on the local taxation of Dublin, in 1822 an Act of Parliament was passed (5 Geo. IV. cap. cxxiii. local and personal) for the purpose of having a New and General Valuation of houses in the city of Dublin.

Commissioners were appointed under this Act, who completed their valuation to the 20th October, 1828, and returned it to Government on the 18th June, 1830. It has been since printed by order of the House of Commons, 7th January, 1833; but no effective steps have yet been taken to act on it in the redress of the grievances we have noticed.

The following are some of the general results of the valuation:—

Parishes, &c.	No. of Houses.	Valuation.	Minister's Money as rated.	Proportion of Minister's Money to Valuation.
St. Peter . . .	2,260	£124,165	£1086	1-115th
St. Mark . . .	1,076	38,592	330	1-117th
St. Anne . . .	785	56,812	588	1-95th
St. Andrew . . .	731	46,022	529	1-87th
St. John . . .	291	9,846	118	1-83d
St. Werburgh . . .	214	11,602	200	1-58th
St. Bridget . . .	732	23,377	286	1-81st
St. Michael . . .	112	3,670	50	1-73d
St. Nicholas Within	103	3,929	38	1-101st

MUNICIPAL
REGULATIONS.

Debt.

VALUATION OF THE
CITY FOR LOCAL
TAXATION.
Minister's Money.

New Valuation.

MUNICIPAL
REGULATIONS.

Parishes, &c.	No. of Houses.	Valuation.	Minister's Money as rated.	Proportion of Minister's Money to Valuation.
St. Nicholas Without	871	18,226	207	1-88th
St. Patrick's Liberty	123	3,027	(Extra parochial.)	
St. Andrew	426	19,399	220	1-88th
St. Catherine	1,264	31,921	395	1-80th
St. Luke	337	7,654	92	1-83d
St. James	625	13,176	109	1-120th
St. Thomas	1,373	65,537	684	1-95th
St. George	1,261	63,900	628	1-101st
St. Mary	2,018	91,895	974	1-94th
St. Michael	1,464	43,568	488	1-90th
St. Paul	786	21,632	255	1-83d
Grange Gorman	472	6,102	(Not rated to Minister's Money.)	
	17,324	704,752	7,277	

Average proportion of minister's money to amount of valuation, omitting Patrick's Liberty and Grange Gorman, nearly 1-97th.

Average value of all the houses in each parish, according to the rate of valuation adopted by the commissioners, and number of houses not rated over 10*l*. annual value in each parish:—

	Average Value.	Not valued above 10 <i>l</i> .	Proportion of each House to the whole.
St. Peter	£55 5 0	397	about 1-6th
St. Mark	35 17 3	235	" 1-4th
St. Anne	73 18 8	17	" 1-46th
St. Andrew	62 19 1	17	" 1-43rd
St. John	33 16 8	36	" 1-8th
St. Werburgh	58 0 2	7	" 1-30th
St. Bridget	311 8 8	66	" 1-11th
St. Michael	32 15 4	17	" 1-6th
St. Nicholas Within	38 2 10	8	" 1-13th
St. Nicholas Without	20 16 2	217	" 1-4th
St. Patrick's Liberty	24 12 2	31	" 1-4th
St. Andrew	45 10 9	59	" 1-7th
St. Catherine	25 5 0	332	" 1-7th
St. Luke	22 14 3	111	" 1-3rd
St. James	21 1 7	954	" 5-12th
St. Thomas	47 14 7	221	" 1-6th
St. George	50 13 8	293	" 1-4th
St. Thorry	45 10 9	192	" 1-10th
St. Michael	29 15 2	252	" 1-6th
St. Paul	27 10 5	180	" 1-4th
Grange Gorman	12 18 6	249	" 1-2d

Average valuation of all the houses in the several parishes £ 40 13 7
Total number not valued over 10*l*. 3,211 0 0

By the 12th section of the Act the commissioners were directed to distribute and divide all the houses and premises valued by them "into such number of classes or divisions as the several gradations in value of such houses and premises shall, in the opinion of the commissioners, render necessary, not exceeding twenty classes in the whole."

They accordingly divided the houses, &c. into twenty classes, according to the following gradations. We annex the total number of houses returned in each class:—

Class.	Gradations.	Total Number of Houses in each Class.
1. Houses exceeding £300 annual value		45
2. " above 250 and to £300 inclusive		21
3. " " 200 " 250		61
4. " " 150 " 200		25
5. " " 125 " 150		270
6. " " 100 " 125		383
7. " " 80 " 100		691
8. " " 70 " 80		545
9. " " 60 " 70		936
10. " " 50 " 60		1,141
11. " " 45 " 50		858
12. " " 40 " 45		834
13. " " 35 " 40		1,176
14. " " 30 " 35		1,138
15. " " 25 " 30		1,240
16. " " 20 " 25		1,315
17. " " 15 " 20		1,332
18. " " 10 " 15		1,860
19. " " 5 " 10		1,657
20. " at and under 5		1,554